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Technology bank and science, technology and innovation supporting mechanism dedicated to the least developed countries

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution A/67/220, whereby the Secretary-General was requested, inter alia, to take the steps necessary to undertake a joint gap and capacity analysis on a priority basis by 2013 with the aim of establishing a technology bank and science, technology and innovation supporting mechanism dedicated to the least developed countries, building on existing international initiatives.

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I. Introduction

1. The Programme of Action for the Least Developed Countries for the Decade 2011-2020 (Istanbul Programme of Action) and the Istanbul Declaration, which were adopted in 2011 at the Fourth United Nations Conference on the Least Developed Countries, called for undertaking on a priority basis by 2013 a joint gap and capacity analysis with the aim of establishing a technology bank and a science, technology and innovation supporting mechanism dedicated to the least developed countries. In this connection, the Istanbul Declaration welcomed the generous offer of the Government of Turkey to host an International Science, Technology and Innovation Centre.

2. The Economic and Social Council, in its resolution 2012/26, reaffirmed the mandate of the Istanbul Programme of Action in this regard.

3. The General Assembly, in paragraph 21 of its resolution A/67/220, requested the Secretary-General to take the steps necessary to undertake a joint gap and capacity analysis on a priority basis by 2013, with the aim of establishing a technology bank and science, technology and innovation supporting mechanism dedicated to the least developed countries, building on existing international initiatives. The present report has been prepared pursuant to that resolution.[1]

4. The Istanbul Programme of Action envisaged the technology bank and science, technology and innovation supporting mechanism dedicated to the least developed countries as a means that would help improve their scientific research and innovation base, promote networking among researchers and research institutions, help them access and utilize critical technologies, and draw together bilateral initiatives and support by multilateral institutions and the private sector, building on existing international initiatives. The present report argues that a comprehensive and integrated approach is needed to respond effectively to the mandate of the Istanbul Programme of Action in this regard. It is thus proposed that the technology bank comprise: (a) a patents bank to help the least developed countries access and utilize appropriate technologies; (b) a science, technology and innovation supporting mechanism to help improve the scientific research and innovation base of the least developed countries; and (c) a science and technology research depository facility to promote global networking of researchers and research institutions in the least developed countries. Strong global support will be key to the success of the technology bank.

5. The present report outlines the rationale and broad functions of the technology bank but does not attempt to provide a blueprint of specific institutional arrangements. It recommends that further consultations, serviced by the Office of the High Representative, should be undertaken to define its structure, functions, governance mechanism, funding and staffing arrangements and other institutional matters. Such consultations should involve a pool of experts drawn from the host

[1] The Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States has organized a task force comprising relevant organizations of the United Nations system and the host country to follow up on the mandates of the Istanbul Programme of Action, the Economic and Social Council and the General Assembly in this regard. The Office of the High Representative also organized a special event on this subject during the regular session of the Economic and Social Council in 2013. It also launched a substantive study, which provided inputs to the present report.

country, the least developed countries and their partner countries, agencies of the United Nations system and other relevant stakeholders, in order to work out institutional modalities.

II. Overview of the science, technology and innovation capacity gap of the least developed countries

6. The Istanbul Programme of Action established the aim of enabling half the least developed countries to meet the criteria for graduation by 2020 (see A/CONF.219/3/Rev.1, para. 28). Achievement of that ambitious goal would require structural transformation, including through technological leapfrogging by least developed countries. However, building endogenous science and technology capacities of a high standard takes many years.[2] Thus, the compressed graduation timeline of the Istanbul Programme of Action suggests an even steeper learning curve if science and technology is to fulfil its potential of equipping the least developed countries with the means to develop their economic base on a firm footing and better compete in the wider global economy.

7. No country has been able to embark on rapid economic growth without technological change. It could take many decades for the least developed countries to overcome their structural constraints unless they are able to substantially strengthen their science, technology and innovation base and capacity. Thus, technological transformation holds the key to the accelerated growth and development of the least developed countries and, in the process, their graduation from that category. The design and purpose of the technology bank must be structured to best help meet this formidable challenge of technological leapfrogging by the least developed countries.[3]

8. The state of science, technology and innovation in the least developed countries remains poor. Research and development expenditure as a percentage of gross domestic product (GDP) for 2011 stood nearly at nil in the majority of those countries. The disparities between the least developed countries and the rest of the world in the capacity to generate and apply scientific and technological knowledge have been growing. While members of the Organization for Economic Cooperation and Development spent on average 2.3 per cent of GDP on research and development in 2010, the amount dedicated to research and development in the least developed countries, where data is available, was negligible.[4] Limited resources, including a narrow base of science literacy, contributed to scant generation, diffusion and application of scientific knowledge in the least developed countries. Similarly, the limited endogenous research and development capabilities in those

[2] The late Argentine physicist Jorge Sabato observed that it takes about 15 years to build a world-class research institute capable of generating its own scientific breakthroughs. Cited by the Global Knowledge Initiative; see www.globalknowledgeinitiative.org/about-us/index.html.

[3] See the report of the Secretary-General on options for a facilitation mechanism that promotes the development, transfer and dissemination of clean and environmentally sound technologies (A/67/348).

[4] For instance, Burkina Faso spent 0.20 per cent of GDP on research and development in 2009; Ethiopia, 0.24 per cent in 2010; Gambia, 0.016 per cent in 2009; Lesotho, 0.029 per cent in 2009; Madagascar, 0.14 per cent in 2009; and Uganda, 0.41 per cent in 2009.

countries render them dependent on the acquisition of new technologies from abroad.

9. Conversely, a number of developing countries with fast growing economies have in recent years made substantial investments in science and technology and related research and development. In so doing, they have also challenged the global science and technology/research and development triad of Japan, North America and Western Europe. The United Nations Educational, Scientific and Cultural Organization (UNESCO), in its *Science Report 2010*, noted the dramatic increase of investments in science and technology by leading nations in the developing world and their positive impact on global economic growth, while observing that, "by contrast, the group of least developed countries ... still plays a marginal role".[5]

10. An illustrative way to depict science, technology and innovation in the least developed countries is perhaps to look at the number of articles published in scientific and technical journals by those countries. Using data from the Institute for Scientific Information's Science Citation Index and Social Sciences Citation Index, all of the least developed countries combined published 1,398 scientific and technical journal articles in 2009, up from 874 in 2001. This meagre production contrasts starkly with what is happening in other countries.[6] Today, some 20 per cent of all science articles published in peer reviewed international journals are authored by researchers in the developing world. Although encouraging, those statistics disguise the lopsided influence of five countries (Brazil, China, India, Mexico and Turkey), whose scholars contribute over half of the South's science publications.

11. The total number worldwide of scientific and technical articles published in journals in 2009 was 788,333, 0.0018 per cent of which contributions were from the least developed countries. The least developed countries, with around 12 per cent of the world population, produced an almost imperceptible share of scientific and technical articles, while the United States, with roughly 4.5 per cent of the world population, produced 26.5 per cent of all scientific and technical papers. In addition, it seems that differences are becoming more accentuated as the number of articles published seems to be growing faster in other developing countries than in the least developed countries.

12. The low number of patents filed by residents of the least developed countries in their own countries and abroad provides another dismal scenario. Residents of least developed countries filed 176 applications in 2011, down from 293 in 2001. The average number of applications filed for the period 2001-2011 amounted to 302 — quite meagre compared with other countries. For instance, in 2011, Romania filed 1,597, Kazakhstan 1,821, Belarus 2,368, India 15,717, Turkey 5,265, Mexico 1,863 and Malaysia 1,927.

13. It is important to note that there are many provisions governing the transfer of technology in international agreements, conventions and protocols. However, the existing arrangements and mechanisms for the transfer of technology have not been

[5] See United Nations Educational, Scientific and Cultural Organization, *Science Report 2010: The Current Status of Science around the World*, p. 5. UNESCO reviews the state of global science every five years.

[6] For instance, in 2009, Argentina published 3,655 scientific articles, India 19,917, the United States of America 208,600 and Canada 29,016.

able to benefit the least developed countries in a meaningful way in building their technological base. Various studies suggest that the existing mechanisms for technology transfer are fragmented and often ad hoc in terms of objective, content and country coverage. There is no global framework, agreement, or mechanism that is comprehensive and all-encompassing for scientific and technological capacity-building in the least developed countries. Those constraints are discussed below.

14. Substantial investments of time, effort and money are required to build the capacity of indigenous science, technology and innovation and integrate that capacity into productive activities in order to drive greater and more rapid economic growth. As noted above, building a research institution of international standard requires longer-term investments that stretch over a decade and a half or more. Over that period, considerable effort must go into attracting human resources of the highest quality, building cutting edge facilities, procuring essential equipment, developing relationships with universities, firms and markets globally, and securing online connectivity to ensure that researchers can readily interact with their peers globally and access current, online publications.[7] This developmental model, of course, assumes the existence of institutional capacity and funding commensurate to the achievement of such an ambitious goal.

15. The chronic underdevelopment of research and development systems in the least developed countries makes the adaptation and absorption of existing technologies necessary, especially in the early stages of industrial upgrading. In fact, many newly industrialized countries started adapting technologies from abroad to their own nascent industrial base before being able to generate their own scientific and technical knowledge. Absorptive capacities require a certain degree of internal technological expertise to be able to assimilate external knowledge and integrate it into a local context.

16. Imports and foreign direct investment are among the major channels of technology transmission. The structural constraints on the balance of payments of the least developed countries, and thus their severely restricted ability to import, have dampened the transfer of technology to the least developed countries. Their marginalization in global flows of foreign direct investment further reinforces the lack of transmission of technology. Furthermore, the limited capacity of the least developed countries to integrate foreign technology into their particular circumstances reduces their ability to realize the full potential of such technology. Strengthening the innovation capacities of the least developed countries to foster the adaptation and absorption of foreign technology could greatly accelerate the development of their productive capacities through the adaptation and absorption of technology, in addition to fostering endogenous research and development. This is the crux of the problem in the least developed countries.

17. The underlying premise of a technology bank is that there are complementary facets of the same science and technology ecosystem. As such, they should work in tandem and mutually reinforce one another. In addition, they require high-bandwidth Internet connectivity, both to advance research and to enable researchers in the least developed countries to participate in the worldwide scientific collaboration that characterizes science, technology and innovation today. Concomitantly, science, technology and innovation in this context presupposes that

[7] As observed by the Global Knowledge Initiative (www.globalknowledgeinitiative.org).

its practitioners in the least developed countries will seek to harness science and technology to solve practical problems. Where this might involve the application of patented science or technology, practitioners in least developed countries need an efficient gateway to access relevant intellectual property on affordable or concessionary terms, with credible policies and mechanisms to implement the intellectual property thus transferred. Likewise, when rights holders in the least developed countries[8] generate new or added value of their own, they should have the means and advice on how to derive due benefit from such intellectual property.

18. At the most fundamental level, this implies applied science. A supporting mechanism should help commercialize science and technology where research conducted in the least developed countries develops new science or adds value to existing technologies. This is not to suggest that basic science is not a worthy goal in and of itself; but the economies of most of the least developed countries can hardly afford science if they cannot apply it. Building science, technology, engineering and mathematical capacities for practical use requires deep and long-term investments at both the secondary and tertiary levels.

19. As an adjunct to applied science, a supporting mechanism should offer fundamental training in entrepreneurship and marketing, since most technical researchers cannot be expected to innately display parallel business skills. Moreover, given the inherently weak bargaining position of practitioners in the least developed countries, a supporting mechanism should provide direct marketing and patent assistance to them when they engage with counterparts from countries with more advanced economies. Finally, a science, technology and innovation supporting mechanism should seek investment capital and donor funding to help take to market the most promising science and technology/research and development generated by the least developed countries.

III. Outlook for a science, technology and innovation mechanism for the least developed countries

20. While the creation of a science, technology and innovation mechanism has long appeared to be a daunting task, key advances over the past decade should facilitate such an undertaking now. Some of those developments are:

- The establishment of a successful public-private partnership, namely, Research4Life, which has already embedded a robust and comprehensive technology bank among four United Nations specialized agencies that could be expeditiously expanded across the wider family of multilateral development and technical organizations.
- The laying of undersea fibre-optic cables around Africa, to the Americas and to South and Southeast Asia, affording underserved countries access to global

[8] Rights holders are individuals or groups who hold patents, copyrights, trademarks or geographic indicators. Under the World Trade Organization, the latter category has emerged as protected intellectual property. Currently, for instance, coffee growers in Ethiopia are seeking a "geographic indication" for their highly regarded coffee beans so that they can recapture the price premium currently claimed by foreign coffee brokers. Other least developed countries, such as Rwanda, are employing scientific research to raise the bar for their coffee beans, which are already of top quality.

science and technology collaboration that their world class scientists previously could obtain only by moving abroad.[9]

- Multilateral agencies and civil society are helping the least developed countries overcome traditional intellectual property barriers and demonstrating to them how the intellectual property rights regime can be used to their advantage.
- Contemporary global initiatives, including those in the areas of health, food security and agriculture, water, climate change, sustainable energy and gender, offer multiple intersecting points of synergy for a science, technology and innovation mechanism dedicated to the least developed countries.
- Bilateral and international donor agencies and global funds are putting greater emphasis on science, technology and innovation.
- The emergence of South-South and triangular cooperation, which enables the least developed countries to learn from emerging economies that have already recognized the nexus of science and technology, structural transformation and global trade.
- There is expanded geographical interest from global investors to span "frontier emerging markets", which increasingly encompass the least developed countries.
- Recently established worldwide non-governmental organizations, which are focusing on science, technology and innovation as a generator of economic growth, could prove to be vital partners to the establishment of a science, technology and innovation mechanism for the least developed countries.

21. Notwithstanding the implications of recent economic crises for development cooperation in general, those developments should contribute to a positive outlook for the establishment of a technology bank and a science, technology and innovation supporting mechanism for the least developed countries.

IV. Technology bank for the least developed countries

22. Technological leapfrogging of the least developed countries warrants the speedy bridging of their technology gaps through: (a) the development of an endogenous science, technology and innovation knowledge base and capacity; and (b) the transfer and diffusion of appropriate technologies. This, in turn, requires that attention is paid simultaneously to three interrelated goals: first, the facilitation of technology transfer; second, the promotion of robust, endogenous science, technology and innovation capacity-building; and third, the mobilization of strong global support.

23. The development of endogenous science, technology and innovation capacity includes two main elements: (a) the building of effective national science, technology and innovation policies and institutions; and (b) the substantial

[9] Many scientific luminaries of the South have worked in the North and continue to do so because, as Professor Abdus Salam, the late Pakistani Nobel Laureate (Physics), once told an interviewer (*New Scientist* magazine, 26 August 1976), they seldom find scientists within the same discipline in their home countries with whom they can collaborate. The scientific diaspora from the least developed countries is discussed below in the present report.

broadening of access for the least developed countries to science and technology communities and to related research conducted worldwide. To be effective, a technology facilitation mechanism should address those issues in a practical, flexible and collaborative manner that involves all relevant stakeholders (see box 1).

Box 1

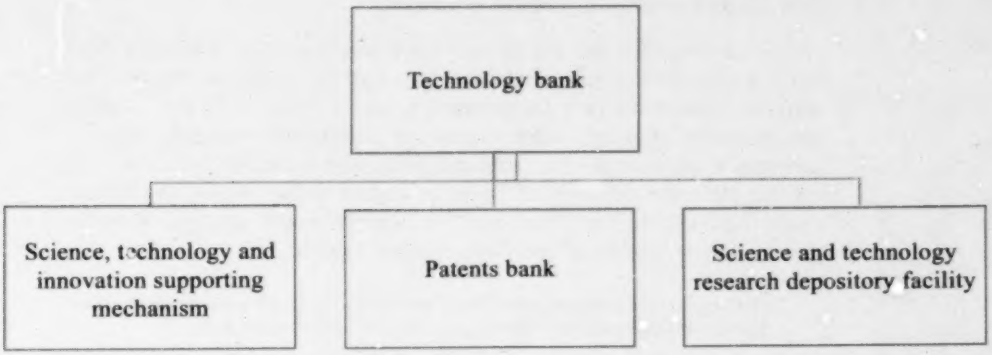
Success factors for the establishment of a technology facilitation mechanism for least developed countries

In a recent report, the Secretary-General outlined a number of success factors for a technology facilitation mechanism based on lessons learned so far (A/67/348). On that basis, the following factors appear particularly relevant for the establishment of a technology bank for the least developed countries:

- Address the technology gaps of the least developed countries throughout the full technology cycle, from research to development, demonstration, market formation and diffusion
- Foster a truly global, cooperative undertaking in support of least developed countries that engages all interested governments and major groups, including the private sector and academia
- Greatly improve technology transfer to the least developed countries, both North-South and South-South
- Pragmatically address intellectual property rights with a balanced approach towards safeguarding the interests of least developed countries and the technology holders, including by exploring innovative approaches
- Ensure the participation of the least developed countries in international networks of collaboration in research, development and demonstration
- Build partnerships to better coordinate and support the implementation of technology-related international commitments, agreements and conventions in favour of the least developed countries
- Exercise practicality and flexibility in order to quickly adjust to new challenges and opportunities.

24. A technology bank dedicated to the least developed countries could advance the goals of endogenous science, technology and innovation capacity-building and technology transfer in an integrated manner through: (a) a patents bank; (b) a science and technology depository facility; and (c) a science, technology and innovation supporting mechanism (see chart below). A blueprint of specific arrangements, which will require further consultations with key stakeholders, is not provided herein. Instead, the paragraphs below outline the rationale and broad functions of the components of the technology bank.

Proposed structure of the technology bank


Technology bank
Science, technology and innovation supporting mechanism
Patents bank
Science and technology research depository facility

A. Patents bank

Key considerations

25. Proponents of greater access to exclusive (that is, patented) intellectual property for the least developed countries have long advocated some sort of centralized technology consortiums or licensing mechanism that could secure relevant intellectual property at negotiated or concessionary rates for onward distribution to institutions and researchers in the least developed countries. For example, the United Nations Conference on Trade and Development (UNCTAD) advanced the idea of a technology licensing bank offering enterprises in least developed countries such licences at a subsidized cost, while paying fees to external firms at a market rate, with the difference to be borne by the Governments of the least developed countries, or donors, or jointly by both (see box 2).

Box 2
Facilitating technology licensing for firms in the least developed countries

UNCTAD has posited an innovative "technology licence bank ... acting as a licensing pool for technologies" with three broad functions: first, offering enterprises in least developed countries technology licences for use of the technologies in the pool at a subsidized cost to be borne by the Governments of those countries or by donor agencies, or by both jointly; second, providing a database of technologies and inventions, along with details of supplier firms, their relative merits and licensing costs; and third, acting as a clearing house for the licensed technologies, thereby reducing bargaining asymmetries between firms in developed countries and those in least developed countries.

To encourage firms in industrialized countries to participate in the technology licence bank, the licence bank would pay them fees at the market rate, in addition to committing to adhere to internationally agreed standards of protection of intellectual property rights. The participating industrialized countries could also be further incentivized through the

award of a label (similar to "fair trade labels" or ecolabelling) certifying that the enterprises are "pro-development", which could be used by the firms to gain goodwill from global markets.[a]

It is proposed that the patents bank function along the above lines, but it would differ from patent pooling in two key respects: first, it would provide licences not only for patented products, but also for products that are protected through other forms of intellectual property, thereby covering a wide range of sectors and firms; and second, it would not rely on the altruistic motives of firms in industrialized countries. Besides receiving fees, the firms that own the licences would also gain from the goodwill generated by a "pro-development" labelling.

[a] Alternatively, the patents bank could work with the Geneva-based International Standards Organization to develop a new certifiable standard.

Source: United Nations Conference on Trade and Development, The Least Developed Countries Report 2010: Towards a New International Development Architecture for LDCs, pp. 214-215, available from http://unctad.org/en/Docs/ldc2010_en.pdf.

26. In recent discussions, the International Intellectual Property Institute has also suggested that individual rights holders might license some intellectual property royalty free to a mechanism like the patents bank — assuming that such intellectual property could be protected and confined to use by least developed countries.[10] In that instance, the patents bank might facilitate hands-on technical assistance from the patent holders. Such support is desirable because most patents are difficult to employ effectively without access to the know-how and trade secrets behind them. The Institute expressed the belief that a significant number of multinational corporations might deposit patented technologies into such a repository and provide the requisite technical assistance if the licensing agreements would protect them from having the same intellectual property infiltrate the markets from which those companies derive their profits.

27. Such assistance ultimately could also benefit donor companies themselves — ranging from large corporations to small- and medium-sized enterprises — if the licences were drafted in such a way as to give the donors the benefit of improvements or derivative innovations when sold in their own existing markets. In such cases, the licences could provide a royalty to inventors in least developed countries for their improvements.[11] The patents bank could negotiate appropriate terms on behalf of inventors in least developed countries and provide marketing advice and services. The patents bank could also have a mechanism to arbitrate any dispute arising from the licensing arrangements under its auspices.

[10] Discussion with the Chairman/President of the International Intellectual Property Institute, Bruce Lehman, on 21 March 2013, during the course of preparation of inputs to the present report.

[11] An UNCTAD study on Bangladesh found that the local firms were not sufficiently specialized to protect their innovations. This is an area where the technology bank could provide tangible support (see United Nations Conference on Trade and Development, The Least Developed Countries Report 2007, available from http://unctad.org/en/Docs/ldc2007_en.pdf).

28. Such a win-win formula would enable researchers in least developed countries to modify patented technologies in order to address the particular needs of their own societies, where relatively few high-tech multinationals earn substantial profits outside the sectors of agricultural commodities and mineral extraction. Even when scientists in the least developed countries do invent something of global applicability, they generally lack the capacity and resources to patent, manufacture and market their inventions. Under this collaborative scenario, they could do so. Of course, the least developed countries would always retain licences to use the improved inventions within their own territories.

29. The patents bank could also solicit so-called "orphan patents", namely, intellectual property held by multinational corporations which they no longer commercialize but must still secure, lest it be exploited by competitors. In some countries, corporations can donate such intellectual property to universities and secure a modest tax deduction; but all benefit by not having to pay annual filing fees to various national patents authorities and the World Intellectual Property Organization.[12]

30. Scholars of intellectual property disagree by a wide margin on what percentages of patents have the actual potential to be commercialized, but most put the number quite low. Thus, a patents bank might have to sift out technologies from a massive database to help identify those that could have an obvious benefit to the least developed countries. In the absence of such a filter for appropriate technology, the least developed countries could be overwhelmed by patents and technologies that are at best marginal.

31. Still, a researcher or institution in a least developed country might find new applications for transferred intellectual property or identify local commercialization opportunities that never materialized when such intellectual property was patented in the developed world. In those instances, the patents bank could negotiate with the original patent holder on behalf of the least developed countries to monetize value thus added.

32. As the work of the patents bank would start to bear fruit, one also would expect original intellectual property to emerge from within the research ranks of the least developed countries themselves. The WIPO programme Access to Research for Development and Innovation, launched in 2009, includes innovative and comprehensive training modules for researchers in the developing world to commercialize and patent their research. The patents bank could also help researchers in least developed countries recognize and patent such intellectual property.[13] At the same time, the ramifications for intellectual property of a patents bank would need to be reconciled with the ongoing debate on the transfer of technology within the World Trade Organization, as discussed below.

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[12] In one noteworthy example, the Dow Chemical Company calculated that it had saved more than $40 million over five years (1996-2001) by donating over 10,000 patents to universities in the United States rather than continuing to pay filing fees to North American, European and Asian patent offices.

[13] The International Intellectual Property Institute, while recently examining articles published in science journals in a member State of the Association of Southeast Asian Nations, spotted numerous instances where principal investigators had failed to appreciate that they had generated patentable research.

Patents bank for the least developed countries and the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights

33. The patents bank could help bridge a fundamental gap which the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS agreement) has failed to address via technology transfers.[14]

34. Article 66.2 of the TRIPS agreement, which was specifically formulated to help close science and technology gaps in the least developed countries, states that: "Developed country members shall provide incentives to enterprises and institutions in their territories for the purpose of promoting and encouraging technology transfer to least-developed country members in order to enable them to create a sound and viable technological base" (available from www.wto.org/english/tratop_e/trips_e/t_agm7_e.htm). Responding to critique from the least developed countries that this formal commitment was routinely ignored, the WTO Council for TRIPS enacted in 2003 an annual reporting requirement, with full updates required every three years.

35. Developed country members of WTO have complied, typically with listing of examples of their technology transfers. In 2012, the report of the Government of the United States numbered 35 pages, while the report of the European Union (covering major European donor governments) totalled 94 pages. Significantly, most reporting members note that their private sectors, not their governments, are the primary drivers of technology transfer. As was observed in a report of the European Union: "In their efforts to encourage and promote technology transfer, developed country governments are usually limited by two factors: (1) they do not own the vast majority of such technologies; (2) they cannot force the private sector to transfer its technologies. Incentives can therefore only take the form of encouragement, promotion and facilitation of projects which are part of a global and comprehensive approach to development.... Finally, it should be borne in mind that no technology transfer programme is specifically dedicated to least developed countries as such."

36. As those reports to WTO indicate, technology transfers to the least developed countries do occur through donor programmes, but such efforts are either incidental to specific country and regional projects or are part of a targeted technical objective (for example, clean water, combating AIDS and malaria, and eradicating crop pests, among others). While commendable, such efforts rarely constitute a coherent technology transfer plan or purpose, nor do they constitute more than a very small proportion of total development assistance.[15]

37. In large part, the initiative on behalf of a technology bank and science, technology and innovation mechanism for the least developed countries grew partly out of frustration that the promise of article 66.2 of the TRIPS agreement has not yet

[14] "Technology transfer" conveys two very different, widely used, and easily confused meanings. Among Western universities, technology transfer is a catch phrase for applied science, or "lab-to-market", as with an engineering school's business incubator. In the current context, however, it refers to the transmittal of advanced technical knowledge from developed countries to the developing world.

[15] The percentage of official development assistance applied to science, technology and innovation is inherently difficult to quantify. But, in The Least Developed Countries Report 2007, UNCTAD calculated that only 3 per cent went to research and advanced or specialized training during the period 2003-2005. A decade on, this percentage is almost certainly higher, but probably is still quite low.

been realized.[16] One would hope, therefore, that technology transfers under the technology bank initiative could attract additional official development assistance.

38. The technology bank for the least developed countries, especially its patents bank arm, must find a way to balance the technological needs of the least developed countries, on the one hand, and the legitimate interests of individual holders of intellectual property whose intellectual property is transferred through its aegis. This could be done by reconciling articles 66.1 and 66.2 of the TRIPS agreement. It should be noted that article 66.1 of the TRIPS agreement, which exempts the least developed countries from establishing an intellectual property protection regime, was due to expire on 1 July 2013.[17] Following intense consultations, WTO members agreed on 11 June 2013 to extend until 1 July 2021 the deadline for least developed countries to protect intellectual property under the WTO TRIPS agreement, with a further extension possible when the time comes (see http://www.wto.org/english/news_e/news13_e/trip_11jun13_e.htm).

39. A simple option to reconcile articles 66.1 and 66.2 of the TRIPS agreement might be for the technology bank to undertake to protect any intellectual property so transferred, working with participating least developed countries to establish a corresponding legal framework within their borders.[18] Effectively, this would suspend the blanket exemption of article 66.1 of the TRIPS agreement for the particular technology transferred under article 66.2 of the TRIPS agreement, as long as it passed through the patents bank. Thus, in committing to legally protect any intellectual property transferred under the patents bank, the participants from least developed countries would not compromise their more generic privileges under article 66.1 of the TRIPS agreement. They would safeguard only intellectual property that is deemed to be of genuine and direct value to themselves, without having to establish a comprehensive and costly intellectual property regime for the full panoply of trade-in-services.

40. A complete intellectual property rights system from the start would pose a monumental undertaking for most of the least developed countries, especially when the full benefits of intellectual property rights are so abstract or years in the making for most of their economies. Instead, they could construct a broader legal framework incrementally, growing as the benefits of homegrown intellectual property take hold. At the same time, a patents bank could hold a compensatory reserve fund for rights holders should its arbitration mechanism determine that transferred intellectual property had been misused. Participation in a patents bank, especially on the part of companies with high potential, would need to be encouraged by the development partners.

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[16] This debate has carried over to the World Intellectual Property Organization, as witnessed by recommendation 26 of the organization's development agenda, which seeks to encourage member States, especially developed countries, to urge their research and scientific institutions to enhance cooperation and exchange with research and development institutions in developing countries, especially the least developed countries.

[17] A separate World Trade Organization exemption concerning pharmaceuticals will expire on 1 January 2016.

[18] This is in line with the UNCTAD suggestion that a technology licensing mechanism for the least developed countries could commit "… to adhere to internationally agreed standards of intellectual property rights protection" (see UNCTAD, The Least Developed Countries Report 2010).

B. Science technology and innovation supporting mechanism

41. As the foregoing would suggest, a technology bank for the least developed countries should be much more than a passive repository of existing knowledge. While the technology bank's greatest and unique asset might be a patents bank, building a robust, endogenous science technology and innovation capacity in the least developed countries and mobilizing commensurate international support will necessitate placing a supporting mechanism within the technology bank.

42. The need for such a mechanism has been made acute by the internationalization of research and development requiring strong local capacity for acquisition and adaptation technologies. Moreover, scientific infrastructure and human capital are considered among the key factors in making technology licensing decisions.[19] The activities and services hosted by the mechanism will help remedy the deficiencies in the capacities of the least developed countries. Over time, those functions are expected to gradually diminish as the endogenous capacities of the least developed countries develop.

43. Support by academia and philanthropic foundations in the developed world can help advance science technology and innovation in the least developed countries. For instance, a number of multinational corporations have established philanthropic foundations that focus on the developing world and have a strong science and technology component, such as the Syngenta Foundation for Sustainable Agriculture (www.syngentafoundation.org) in Switzerland. Many industries and corporations in both developed and emerging developing countries devote considerable resources to research and development and could be interested in expanding their research to least developed countries. As noted above, many of the world's most pressing problems faced by the least developed countries lend themselves to scientific intervention (for example, agriculture, health and pharmaceuticals, sustainable energy or adaptation to and mitigation of climate change, among others) and are best studied in those countries. The science technology and innovation supporting mechanism could harness such opportunities in support of building effective science technology and innovation policies and institutions in least developed countries.

44. With many entities, including multiple agencies of the United Nations system, already operating in related arenas, the science technology and innovation supporting mechanism should avoid duplicating their efforts. But the participation of least developed countries in such efforts appears to be hit or miss. The science technology and innovation supporting mechanism could keep abreast of such initiatives, inform itself of relevant technical and capacity needs of least developed countries, and advocate for their inclusion in a more structured manner. Likewise, the mechanism could leverage donor government initiatives.

45. Material shortcomings are endemic to academic institutions in the least developed countries, but science and technology faculties are at a special disadvantage given the prohibitively high equipment and operating costs inherent to their disciplines. To address this, a coordinated approach would be needed to pool

[19] In the past many would have argued that research, development and demonstration would be of relatively little importance to poorer economies, but this is less and less the case, in view of the internationalization of research, development and demonstration and the need to bridge large technology gaps through local adaptation. See A/67/348.

financial resources and material support from both traditional donors and emerging contributors, as well as other stakeholders.[20]

46. Advanced economies are also home to large diaspora populations from the developing world, including those from least developed countries. While developmental economists have focused largely on the considerable consequences of their economic remittances, such expatriates also comprise a de facto diaspora knowledge network.[21] Considering that 30 to 50 per cent of developing world professionals trained in science and technology may live in the developed world,[22] the prospect of tapping into that network is alluring. This is especially so for those developing world expatriates holding advanced degrees, as they tend to emigrate at a much higher rate than university graduates in general.[23]

47. The science technology and innovation supporting mechanism could explore ways to best tap into this diaspora knowledge network, and perhaps pilot a few country programmes accordingly — with the caveat that creating effective diaspora conduits for knowledge transfer is more difficult than popular perceptions might suggest. For example, while a modest programme launched by France and Senegal has had some success, a United States-backed Caribbean Idea Marketplace initiative (including Haiti), launched in 2012, seems unlikely to continue for long.[24] A fundamental stumbling block is the lack of a comprehensive database for expatriates from the developing world qualified in science technology and innovation.

48. Nevertheless, the potential payoff from the standpoint of least developed countries is so great that some special effort seems warranted. Not only do least developed countries produce fewer professionals qualified in science technology and innovation than the developing world at large, their brain drain is much worse as well. Nearly twice as many professionals emigrate from the least developed countries (18.4 per cent) as from other developing countries (10 per cent).[21]

49. Beyond traditional North-South avenues, the science technology and innovation supporting mechanism should also encourage capacity-building through South-South cooperation. For example, the Oswaldo Cruz Foundation, the Brazilian health research institute (FIOCRUZ), is currently helping Mozambique to build and operate a modern pharmaceutical factory for retroviral drugs.[25] The mechanism

[20] For example, Seeding Labs, a non-governmental organization based in Boston, Massachusetts, collects, refurbishes and donates previously owned scientific equipment to developing country institutions, but the need is much greater than existing resources can supply (www.seedinglabs.org).

[21] UNCTAD, The Least Developed Countries Report 2012: Harnessing Remittances and Diaspora Knowledge to Build Productive Capacities, available from http://unctad.org/en/PublicationsLibrary/ldc2012_en.pdf.

[22] Lowell, Findlay and Stewart, "Brain strain: optimizing highly skilled migration from developing countries", Asylum and Migration Working Paper No. 3 (London, Institute for Public Policy Research, 2004).

[23] UNCTAD, The Least Developed Countries Report 2007: Knowledge, Technological Learning and Innovation for Development, available from http://unctad.org/en/Docs/ldc2007_en.pdf.

[24] See "Caribbean enterprise project struggles to involve diaspora", 4 April 2013, available from www.scidev.net.

[25] Brazil is also home to one of the world's most impressive metrological institutes, the National Institute of Metrology, Quality and Technology (INMETRO). Given that metrology (weights and measures) is foundational to global trade, one would hope that INMETRO might replicate the FIOCRUZ model among the several lusophone least developed countries.

could play a complementary role to more traditional donor coordination by informing least developed countries of diverse development initiatives that might prove germane to their situations.

50. More pragmatically, the mechanism could add genuine value through training and mentorship programmes to teach business and entrepreneurship skills to entities in the least developed countries (public and private) and to individual researchers. Researchers in least developed countries who might wish to market their science must learn how to prepare a business plan that will attract potential investors (see the website of Global Innovation through Science and Technology, http://gist.crdfglobal.org/gist-programs/business-plan-competition).

51. Institutionally, the mechanism could also advise and support universities in least developed countries in establishing business "incubators" on their campuses. While incubators are now a standard feature at virtually every technical university or engineering school in the Western world, they are absent from most institutions in least developed countries. As multidisciplinary teams define contemporary global research, a single university in a least developed country or even an individual country might lack commercial collaborators who otherwise could be available in neighbouring countries, as well as in institutions in the developed world.[26] Given resource constraints, there might be only one incubator per least developed country for which the mechanism could serve as a constitutive coordinator.

52. A major problem faced by universities in least developed countries is the lack of connectivity. As the Internet grew during the 1990s, the academic and research institutions that created it were among the first to chafe under its bandwidth limitations. Cutting edge science imposed ever increasing data demands. As a result, national research and education networks were spawned in the late 1990s and rolled out over the past decade. Such networks now envelop the developed world — Internet2 and CANARIE in North America, GÉANT in Europe, APAN and TEIN in Asia, and the Global Ring Network for Advanced Application Development, GLORIAD, encircling the northern hemisphere.

53. Meanwhile, scientists in the developing world are endeavouring to create their own national research and education networks, often with vital assistance from their counterparts in countries with advanced economies. Funded by the European Community, CÉANT has driven a dramatic roll-out of undersea fibre optics around Africa and to Asia. In general, however, connectivity in the developing world is far behind the capacity of the developed world.[27] In a recent paper examining the failure of African universities to generate intellectual property commensurate with their human resources, leading African national research and education network technologists posited that "... the current isolation of Africa-based researchers from the global information infrastructure is a major contributing factor, and that the

[26] The notion of incubators as engines of innovation has taken hold at many universities in advanced economies in the developing world, particularly among those hosting competitive electronics industries. Unfortunately, most such universities have rejected recommendations for a national incubator consortium, with the unfortunate effect that their accumulated knowledge is dissipated rather than reinforced.

[27] Worcester Polytechnic Institute, one of the smallest, but best equipped, engineering universities in the United States, maintains an active exchange programme with the Polytechnic of Namibia. The Institute found that it had more bandwidth on its campus than did the entire country of Namibia.

reduction of such isolation will lead to increased intellectual property output".[28] Most universities in least developed countries also face a serious challenge of campus "last kilometre" connectivity.

54. The mechanism can offer practical help to bridge this gap through partnerships with major national research and education networks. Two key national research and education network partners, Internet2 and the Network Startup Resource Centre at the University of Oregon, have indicated interest in joining forces with a science technology and innovation mechanism for least developed countries to align their activities for greater impact among these countries.[29]

55. Entrepreneurial research institutes or scientists do not necessarily have to establish their own ventures if they can market their research achievements to others. These could be local or regional investors. The very successful Israel-United States Binational Industrial Research and Development Foundation (www.birdf.com) (BIRD) commercializes local research and development by matching investment funds from interested American corporations, many of them major multinationals. Indian officials visited Jerusalem to study its operation, and subsequently created their own fund on the BIRD model. A similar but more modest venture capital fund for scientists in least developed countries could work well if it could secure initial seed capital. The science technology and innovation supporting mechanism could administer the fund and select the most viable candidates, just as the BIRD and Indian funds do today. It could also provide marketing assistance and advice to clients in least developed countries.

56. Problem solving need not necessarily imply monetary gain. The United States National Science Foundation, for example, has recently launched a new programme with the United States Agency for International Development to pair researchers from the United States and the developing world in order for them to collaborate on issues of common scientific interest, the Partnership for Enhanced Engagement in Research. Equally, vast amounts of scientific know-how exist as open-source knowledge or in the public domain of governmental research across the globe.

57. The science technology and innovation supporting mechanism would need to have a robust legal department with the ability to negotiate on behalf of participating institutions in least developed countries. Virtually every research agreement between universities in the developed world includes an intellectual property annex governing proportional ownership or distribution of new intellectual property that might be generated under their mutual collaboration. Researchers generally lack such legal resources and should expect no less support from the science technology and innovation supporting mechanism. This would ensure that scientists and technologists from least developed countries enter into only those agreements that protect and reward the parties equally, while ascertaining that all parties understand their shared privileges and responsibilities.

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[28] Tusubira and others, "The Impact of Improved Access and Connectivity on Intellectual Property Output: Baseline Report", available from http://www.ubuntunet.net/sites/ubuntunet.net/files/the_impact.pdf.

[29] Discussions with senior executives of Internet2 and Network Startup Resource Centre during the Internet2 annual conference on 21 and 22 April 2013 in the course of preparation of inputs to the present report.

C. Science and technology research depository facility

58. There are already examples of technology repositories serving science technology and innovation in the developing world (see box 3). For instance, Research4Life (www.research4life.org) is an innovative public-private partnership among four United Nations agencies (the World Health Organization (WHO), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Environment Programme (UNEP) and WIPO), global publishers of online scientific and technical publications, and several technical partners, including Microsoft. This initiative offers a substantial framework that has expanded and worked well for over a decade. As such, it offers a unique opportunity for a science and technology research depository facility under the technology bank to extend the benefits of Research4Life well beyond the current partner United Nations agencies to include other multilateral development and technical agencies.

Box 3
Collaborative research depository facilities — Research4Life and its partnerships

First conceived by WHO in 2001, Research4Life had responded to a survey in 2000 of countries with average gross per capita incomes of $1,000 or less (just above the least developed country threshold today, and somewhat higher in 2000). Some 56 per cent of institutions surveyed had no current subscriptions to international journals. This lack of access to contemporary research in the life sciences was perceived as a systemic obstacle to better health delivery in the developing world.

Subsequent discussions with the International Association of Scientific, Technical and Medical Publishers led to the launch of the Health InterNetwork Access to Research Initiative in 2002. Today, the Initiative includes over 160 publishers and 5,300 public institutions in over 100 eligible countries.[a] A year later, in 2003, FAO launched Access to Global Online Research in Agriculture, which now includes over 70 publishers and over 2,200 institutions.[b]

In 2006, the UNEP launched Online Access to Research in the Environment, with more than 60 publishers and 2,300 institutions.[c] Most recently, in 2009, WIPO joined Research4Life with Access to Research for Development and Innovation (ARDI). It includes the most important searchable (and otherwise expensive) online patent listings in the developed world.[d]

[a] www.who.int/hinari/en/index.html.
[b] www.aginternetwork.org/en/.
[c] www.unep.org/oare/en/.
[d] www.wipo.int/ardi/en/.

59. Strategically, Research4Life's publishing partners include global giants such as Elsevier (Anglo-Dutch), Springer (German) and Wiley (American). Together, they provide access to more than 9,000 leading journals in the fields of health,

agriculture, environment and technology. Lesser known journals add a few thousand more. While English tends to be the lingua franca of global, peer reviewed scientific journals, Research4Life also includes periodicals published in several other languages. Nearly 50,000 e-books are currently accessible. Moreover, as the still nascent electronic publishing industry expands into scientific monographs, the number of pertinent e-books is expected to grow exponentially in coming years.

60 Access fees, calibrated on a sliding income scale, are kept remarkably low for all developing countries. The least developed countries, by virtue of their official status at the base of the global income hierarchy, automatically qualify for free access, as do several other developing nations whose income levels still remain low. Thus, eventual graduation from least developed country status is unlikely to have an impact on free access for years afterwards, and even then would involve only a marginal annual fee.

61. To grasp the size of this benefit, one must understand that some very specialized science journals command subscription fees of up to $20,000 annually. Using an average annual subscription fee of $1,700, WHO calculates that every researcher in the least developed countries could access approximately $10 million worth of subscription medical journals annually through their affiliated not-for-profit institutions. That is likely a conservative estimate; the true value could be much higher. Elsevier, for example, reckons that its own data-mining apparatus routinely scans some 20,000 journals and proceedings, yielding around 4 million citations annually. All are available to participants in Research4Life. Moreover, Elsevier has developed a proprietary search engine, Scopus, whose thematically driven algorithms dramatically reduce extraneous search results gleaned from scientific literature. Scopus is available at no charge for least developed countries via Research4Life, and Elsevier has indicated it would give positive consideration to the use of Scopus by a technology bank for the least developed countries on behalf of qualifying institutions in those countries.[30]

62. Beyond staying abreast of leading-edge research, Research4Life empowers LDC scholars who might wish to publish their own research. Peer reviewed journals typically require copious citations of other contemporary research to establish an author's academic credentials, and Research4Life ensures that scholars in least developed countries can remain up to date and knowledgeable in their chosen fields. By studying the published work of those pursuing parallel or complementary research, scholars from least developed countries can also discover and locate potential collaborators anywhere in the world.

63. Nearly every least developed country has at least a few world-class scientists, or at least academics with that potential. However, they are almost never sufficiently numerous in the same discipline and would probably still lack "critical mass" if they were. The research depository facility could help bridge this gap, offering the potential for science and technology investigators in least developed countries to join global research teams "virtually". Given that many of the most urgent global issues (for example, climate change and sustainable energy) are best studied in the developing world, one might assume that researchers in many of the world's top research universities would welcome an overture from their counterparts in least

[30] Discussion with Dr. Alicia Wise, Director of Universal Access of Elsevier, on 20 March 2013 in the course of preparation of inputs to the present report.

developed countries. The research depository facility could also help broker collaborations with institutions in countries with advanced economies (North-South), across the developing world (South-South) and act as a global facilitator for them all (triangular cooperation).

64. The research depository facility could usefully employ a cadre of technology bank librarians to assist scholars in least developed countries in their research. While this function in the developed world has been largely subsumed by the ability of individual scholars to conduct their own online research, it could well serve those in least developed countries. Academics in least developed countries routinely carry teaching loads that would be regarded as crushing by their peers in the developed world, which constrict the time available to conduct research. Likewise, limited access to high-bandwidth networks and powerful computer terminals poses practical constraints that could be overcome with the assistance of external librarians working with the technology bank.

65. Technology bank librarians could also help locate the most relevant online journals that might welcome submissions from scholars in least developed countries. Likewise, given that writing for peer reviewed journals is an acquired skill, technology bank staff could conduct online training (distance learning) in how to write for scientific audiences and how to get such material published. A parallel communication skill is how to structure and draft compelling narratives for grant proposals.[31]

66. At the same time, cross-disciplinary collaboration has become a hallmark of cutting edge research in advanced economies. For those researchers in the least developed countries who are globally competitive, however, the obstacle might not be academic silos at their own institutions. Comparable capabilities in complementary disciplines might not even exist on their campuses.[32] Technology bank librarians could help such researchers connect with cross-disciplinary scholars in other countries, North and South. Equally, the research depository facility could vet those online journals which might solicit articles from researchers in least developed countries. Unfortunately, there has been a rise of spurious electronic "peer reviewed" journals that target unsuspecting scholars in the developing world.

67. It will be important for the research depository facility to address some of the apparent limitations of Research4Life. Despite the latter's enormous promise, relatively few researchers outside those in contact with its four United Nations partner agencies appear to have heard of it. Significantly, Research4Life has not been established or funded to staff and equip a full-time secretariat which might otherwise play the role of coordination and outreach. Without encroaching on the good work undertaken by the current four agencies, the research depository facility could serve that function, at least insofar as it concerns least developed countries.

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[31] Most top research universities in Europe and North America conduct courses in writing grant proposals for their faculties. Overburdened academics in least developed countries, even if they learn now, would still be challenged to find time for the grant application process. A technology bank and science technology and innovation mechanism could help them narrow the search for promising and otherwise overlooked funding streams and critique their applications before submission.

[32] Conversely, smaller institutions in least developed countries may be less prone to the exclusion and intellectual inbreeding which still pervades many top research faculties in advanced economies.

Currently, Research4Life operates on the basis that an inquisitive researcher will seek out information on a repetitive but single-query basis. The research depository facility could develop a "push" as well as "pull" capacity, much as online media services transmit periodic (daily, weekly or monthly) computer-generated newsfeeds based on the declared interests of individual subscribers.

68. More critically, the potential of Research4Life has been limited by the difficulty to effectively access and exploit it. Beyond the technical issue of network connectivity, Research4Life has never been funded to provide training to the scholars in the developing world for whom it is intended. WIPO, for its part, has developed targeted short courses (two to three days) designed to maximize access to ARDI, its Research4Life component, but financing is limited. Because ARDI emphasizes both research and development, it is explicitly geared towards innovation and protecting the intellectual property so generated. The research depository facility could employ ARDI training modules to dramatically expand the development potential of Research4Life across the full range of science and technology among the least developed countries.

69. In addition to online technical journals and proceedings, a vast array of technical reports is increasingly available and searchable from government labs themselves. The United Kingdom of Great Britain and Northern Ireland and the United States are leading, but this trend is spreading to other countries and rapidly expanding a deep pool of accessible science and technology research.[33] The research depository facility could mine such information to locate promising partnerships for the least developed countries with government labs in countries with advanced economies, as well as with counterpart institutions funded by those governments' research grants.

V. Organizational aspects: some preliminary considerations

70. Thanks to the generosity of the Government of Turkey, a technology bank dedicated to the least developed countries is assured a strong start, which would attract strong contributions from the North and emerging economies. As noted above, finalization of the arrangements as regards organization, functions, governance structure, funding and staffing will require wide-ranging consultations with key stakeholders. Some preliminary considerations as regards governance, funding and stakeholder partnerships are noted below.

71. It is also noted that the impact of the work of the technology bank in regard to helping develop endogenous scientific and technical capacities, as well as the facilitating transfer and dissemination of new technologies on the development of the least developed countries, can be greatly increased if they are accompanied by domestic regulatory reforms that also encourage domestic private sector development, appropriate protection of intellectual property rights, and economy-wide technical upgrades.

[33] Research Councils UK and the United States National Academy of Sciences have been proactive in moving research to "open access". The National Academy of Sciences now makes all of its funded research available online at no charge (www.nasonline.org), and the Research Councils UK expanded its already exemplary open access policy in April 2013 (www.rcuk.ac.uk/documents/documents/RCUKOpenAccessPolicy.pdf).

A. Governance

72. The governing structure of the technology bank will depend on the nature of the organization. In the Istanbul Declaration, the generous offer of the Government of Turkey indicated that it would be an international centre. It would be best to develop a governance structure for the technology bank on the basis of existing institutional templates instead of reinventing the wheel.

73. In a recent report of the Secretary-General to the General Assembly, a United Nations affiliation for a technology facilitation mechanism was considered necessary to ensure global coordination.[3] In such an event, the governance structure of the United Nations Global Compact could provide useful guidance (http://www.unglobalcompact.org). The Global Compact has demonstrated that Governments, the private sectors of both North and South, and civil society can together advance a set of common goals. Because most global science and technology/research and development is generated by the private sector, a multi-stakeholder approach and United Nations branding similar to that of the Global Compact is likely to bolster the credibility and effectiveness of the technology bank.

74. The role of the host country, the least developed countries, the key contributors and the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States would be critical in pulling together all the stakeholders to achieve the desired goals, and as such they are expected to take the lead in the governance process of the technology bank.

B. Funding

75. Just as the development community has embraced the notion of aid for trade, so could it consider supporting the concept of aid for science and technology, especially as it concerns the least developed countries. This should be in addition to the official development assistance already provided to the least developed countries. As noted above, the initiative of the technology bank for the least developed countries arose partly from frustration that the promise under article 66.2 of the TRIPS agreement has not been realized.

76. The technology bank is likely to benefit most from a multi-donor trust fund, supported by traditional donors as well as emerging economies, regional development banks and other multilateral agencies. Assuming that the host country would also bear a part of funding, other donor governments should be invited to share the cost, especially those who share the view that a tailored initiative that is specific to least developed countries is necessary to ensure that those countries can benefit from the same attention to science technology and innovation that has accelerated economic progress among more advanced developing economies. Donors could consider funding a concessional finance and investment scheme for start-up ventures that are oriented towards science technology and innovation. This could be undertaken in concert with existing development banks in accordance with their standard management practices, but tailored to the circumstances of the least developed countries.

C. Collaboration with stakeholders and partnerships

77. Since technological development is a complex phenomenon characterized by the interaction of a plethora of actors that range from businesses and universities to public institutions, among others, the technology bank could contribute to combining two key dimensions of successful structural change: technological progress, and productive capacity development. It could enter into partnerships with initiatives carried by other international institutions, such as multilateral and national development banks, international agencies, national development agencies, and others.

78. The technology bank could leverage existing international initiatives. For example, the new United Nations Framework Convention on Climate Change/UNEP technology transfer mechanism disburses no funds itself, but helps worthy projects draw against the Global Environment Facility and the Green Climate Fund. The technology bank could, for instance, help the governments and institutions of the least developed countries identify and draft competitive proposals for consideration by the technology transfer mechanism. Likewise, given that the technology bank would seek to better equip the least developed countries to compete in global trade, it could help its clients identify relevant science technology and innovation project proposals that are currently absent from the enhanced integrated framework. The technology bank could also take into the funding streams that are available globally for life sciences, agricultural research, and sustainable energy, all fields of immediate and pressing interest to the least developed countries.

79. The technology bank can emulate the Global Compact's philanthropic foundation to facilitate partnerships with those global and regional foundations and other private entities from North and South who might share its aspirations and objectives. Similarly, as the technology bank seeks to generate more robust science technology and innovation to prime multinational and regional investment interests in the least developed countries, a public-private partnership could be structured to welcome business engagement, whether as a form of global corporate citizenship[34] or as an allied venture capital instrument.

80. In the area of global corporate citizenship, the technology bank could work with bodies such as the International Standards Organization to develop a system of recognition of corporate support to technology transfer to the least developed countries through, for example, "pro-development" labelling.

VI. The way forward

81. The present report attempts to outline the broad structure and functions of the technology bank. Further consultations, serviced by the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, are needed to define its structure, functions, governance mechanism, funding and staffing arrangements, and other relevant institutional matters. Those consultations should involve a pool of experts drawn

[34] As noted above by way of example, a number of leading corporations, directly or through foundations established by them, as well as publishing houses, have contributed to science technology and innovation in the developing world.

from the host country, the least developed countries and other interested governments, agencies of the United Nations system, as well as other stakeholders, in order to work out institutional details, with a view to achieving an operational technology bank at an early date.

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Macroeconomic policy questions: international trade and development

Unilateral economic measures as a means of political and economic coercion against developing countries

Report of the Secretary-General

Summary

In its resolution 66/186, on unilateral economic measures as a means of political and economic coercion against developing countries, the General Assembly requested the Secretary-General to continue to monitor the imposition of measures of this nature, to study their impact on the affected countries, including the impact on trade and development, and to submit to the General Assembly at its sixty-eighth session a report on the implementation of the resolution. The present report was prepared to fulfil that request. It reflects the replies of Member States and selected international organizations (see annexes) to the note verbale sent by the Secretary-General requesting pertinent information. The report also includes additional data collected by the Secretariat.

The responses from Member States indicated their disagreement with the imposition of unilateral economic measures as an instrument of political and economic coercion against developing countries. Such actions are viewed as not in accordance with the principles of the Charter of the United Nations, the norms of international law and the rule-based multilateral trading system, and undermine the sovereign equality of States. Member States expressed their concerns about the negative impact of unilateral economic measures on the socioeconomic development of the affected countries. International organizations reported that unilateral sanctions tend to adversely affect the population in the affected countries and hamper international trade.

* A/68/150.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 66/186 of 22 December 2011, on unilateral economic measures as a means of political and economic coercion against developing countries, in which the Assembly, inter alia, urged the international community to adopt urgent and effective measures to eliminate the use of unilateral coercive economic measures against developing countries that were not authorized by relevant organs of the United Nations or were inconsistent with the principles of international law as set forth in the Charter of the United Nations and that contravened the basic principles of the multilateral trading system.

2. In the same resolution, the General Assembly requested the Secretary-General to continue monitoring the imposition of such measures and to study their impact on the affected countries, including the impact on trade and development, and to report to the Assembly at its sixty-eighth session on the implementation of the resolution.

3. Accordingly, the Secretariat, in a note verbale dated 12 April 2013, invited the Governments of all Member States to provide their views and any other relevant information regarding the existence of unilateral sanctions and the impact these may have had on their trade and development. A total of 18 Member States replied to that request. The replies are reproduced in annex I to the present report.

4. Relevant organizations, programmes and agencies inside and outside the United Nations system were also invited to provide information and analyses concerning recent developments in the subject area. Two organizations responded to that invitation. The replies received from the organizations are reproduced in annex II to the present report.

II. Summary of replies received from Member States, United Nations bodies and international organizations

5. Member States that responded to the Secretary-General's request for their views on the issue expressed their disagreement with the imposition of unilateral measures. Unilateral economic measures are viewed as violations of the principles of the Charter of the United Nations, the norms of international law and the rule-based multilateral trading system, and as undermining the sovereign equality of States.

6. Member States that identified themselves as countries subjected to coercive economic measures, including Cuba, the Islamic Republic of Iran, the Sudan and the Syrian Arab Republic, expressed concerns about the negative impact of unilateral economic measures on their socioeconomic development.

7. Other respondents expressed their concerns about the adverse impact on the economic development and living standards of the countries that face such measures. Member States were of the view that unilateral sanctions tended to have severe humanitarian consequences and negative effects on vital economic sectors of the affected countries, thereby harming the welfare of the population.

8. The Economic and Social Commission for Western Asia (ESCWA) provided a summary of the latest developments in three of the economies it monitors — the

Occupied Palestinian Territory, the Sudan and the Syrian Arab Republic. ESCWA indicated that unilateral sanctions have hampered the trade and development trajectory of those economies.

9. The United Nations Conference on Trade and Development (UNCTAD) provided a summary of the latest developments relating to the Occupied Palestinian Territory. Unilateral measures have negative consequences for poverty and employment, and lead to the economic isolation and fragmentation of the Territory.

III. Monitoring the imposition of unilateral measures and studying the impact of such measures on the affected countries

10. There have been 26 new cases of unilateral economic measures since 2000.[1] These cases can be categorized into three groups. The first group refers to the introduction of new actions in cases of long standing, such as Cuba, the Democratic People's Republic of Korea, the Islamic Republic of Iran and the Occupied Palestinian Territory. The second group refers to cases initiated after 2000 and no longer in effect, including the Central African Republic, Guinea, Haiti, Honduras, and Uzbekistan. The third group refers to ongoing cases, such as Belarus, Côte d'Ivoire, the Democratic Republic of the Congo, Fiji, Georgia, Guinea-Bissau, Iraq, Lebanon, Liberia, Libya, the Republic of Moldova, Somalia, the Sudan, the Syrian Arab Republic, Tunisia, Yemen and Zimbabwe.

11. Recent trends suggest that the use of smart (or targeted) sanctions, such as an arms embargo, asset freeze or travel ban, has been increasing, while the use of a broadly defined trade embargo is still significant. Evidence indicates that unilateral measures, especially broad trade embargoes, can have severe adverse consequences for human rights, people's welfare, and the long-term growth prospects of the affected country.[2] The magnitude of the impact on social and economic development of the affected countries depends on a wide range of factors. Thus impact can be properly assessed only on a country-by-country basis.

[1] Data were obtained from Gary Hufbauer and Julia Muir at the Peterson Institute for International Economics.

[2] Choonara, Imti, "Economic sanctions and child health", *Medicine, Conflict and Survival*, vol. 29, issue 2, 2013; Peksen, Dursun, "Better or Worse? The Effect of Economic Sanctions on Human Rights", *Journal of Peace Research*, vol. 46, No. 1 (January 2009), pp. 59-77.

Annex I

Replies received from Member States

Brazil

[Original: English]
[16 May 2013]

Brazil does not agree with the imposition of unilateral economic measures as instruments of political and economic coercion against developing countries.

Brazil has not been affected by economic sanctions during the period 2010-2012.

Brazil is deeply concerned with the proliferation of unilateral coercive measures, especially economic and financial sanctions, as a tool of international policy. There is no provision under the Charter of the United Nations for the application of unilateral sanctions, which are conditioned upon a decision of the Security Council. According to Chapter VII, a "complete or partial interruption of economic relations" is subject to a Security Council decision. The trade policy autonomy of Member States should not be allowed as a subterfuge to justify the misuse of economic measures for undue pressure over other States. Under Chapter VI, Member States agree to exhaust ("first of all") every peaceful and diplomatic means — negotiation, mediation, conciliation and other equivalent processes — to find a solution. Coercive measures foreseen under Chapter VII must be adopted by the Security Council, on an exceptional basis, only as a last resort.

The effectiveness of economic sanctions is highly debatable, as shown by the track history of their use. The norms of international law usually invoked to justify economic sanctions are those invariably violated by unilateral measures. Humanitarian impact and severe losses among the civilian population are frequently disregarded, as tragically experienced in Iraq and currently evidenced in Iran and Syria. Major harmful effects of such unilateral measures end up falling upon the very same civilian population they claimed to protect in the first place. "Target sanctions", "smart sanctions" and other conceptual and operational adjustments have not proved sufficient to prevent, in many cases, deleterious effects for the vast majority of innocent citizens of the targeted countries. The United States decades-long embargo on Cuba is another example of the ineffectiveness of unilateral sanctions, which will be the object of Member States' comments for the report of the Secretary-General in response to resolution 67/4.

Unfortunately, this logic of mass punishment has been observed not only in the adoption of unilateral measures, but also in sanctions imposed by the Security Council. Sanctions allegedly applied to curb violations of human rights are those which paradoxically burden the same population they claimed to protect. Syria is the most recent case in point. The Commission of Inquiry on the Syrian Arab Republic established by the Human Rights Council has revealed "crippling effects" of the sanctions regime on the local economy. The ensuing market distortions, which included an inflation rate of more than 50 per cent, have substantially contributed to a progressive and worrisome deterioration of the living conditions of the civilian population.

Brazil disputes the interpretation that unilateral sanctions act as "countermeasures" to induce a State to end the infringement of certain norms of international law. Even if this were the case, there should be acceptance of clear parameters of legality, such as proportionality, to provide guarantees that fundamental human rights will not be put at risk. Once again, this kind of interpretation does not relieve Member States of their ongoing obligation of previously exhausting all peaceful efforts for a negotiated outcome, as authoritatively stated in draft articles 50, 51 and 52 on the Responsibility of States for Internationally Wrongful Acts, adopted by the International Law Commission.

In Brazil's perspective, insisting on the adoption of sanctions as a preferential tool for the settlement of disputes is a menace not only to full enjoyment of human rights but also to the legitimacy of the international system as endorsed by the Charter of the United Nations. In this regard, unilateral sanctions are an outright violation of the Charter and should be immediately eliminated. In the face of today's complex challenges to peace and security, the most adequate and efficient way to ensure peace and stability and the full enjoyment of human rights is renewing the commitment of the international community to conflict prevention, diplomacy and other instruments for peaceful settlement of disputes. Diplomacy is still the best assurance of legitimate and sustainable political arrangements. In those cases where sanctions are deemed to be necessary, they must always be, without exception, adopted with the authorization of the Security Council, bearing in mind that sanctions must be imposed on an exceptional basis and after exhausting all political and diplomatic means.

Burundi

[Original: English]
[24 April 2013]

Burundi does not agree with the imposition of unilateral economic measures as instruments of political and economic coercion against developing countries.

Burundi has not been affected by economic sanctions during the period 2010-2012.

The use of unilateral coercive economic measures against developing countries hampers the promotion of the development of poor countries, and disorganizes the international system as a whole to the detriment of the needy populations of the South.

Colombia

[Original: English]
[24 April 2013]

Colombia does not agree with the imposition of unilateral economic measures as instruments of political and economic coercion against developing countries. Such measures could cause serious disruption in growth and commerce.

Colombia has not been affected by economic sanctions during the period 2010-2012.

Cuba

[Original: Spanish]
[7 May 2013]

Cuba does not agree with the imposition of unilateral economic measures as instruments of political and economic coercion against developing countries.

Cuba has been affected by economic sanctions imposed by the United States of America during the period 2010-2012.

The imposition of unilateral coercive economic measures as a means of exerting political and economic pressure on developing countries is a flagrant violation of international law and of the aims and principles enshrined in the Charter of the United Nations. In particular, it infringes a sovereign State's right to peace, development and security.

Such measures breach the principle of peaceful coexistence among sovereign States and constitute a persistent threat to a country's stability, while encroaching upon the right of peoples to self-determination, freedom of trade and navigation, and the rules of the multilateral trading system.

Cuba continues to be affected by an economic, commercial and financial embargo imposed by the Government of the United States for more than 50 years in an attempt to overturn the system of government chosen by the Cuban population in exercise of its sovereignty.

The United States economic, commercial and financial embargo constitutes the primary obstacle to Cuban economic development. The complex framework of laws and legal provisions governing this policy has not been dismantled, leaving its legal basis intact. The political, administrative and repressive machinery has been strengthened in order to make the embargo more effective and in particular to pursue and interfere with Cuban financial transactions throughout the world.

The embargo remains distinctly extraterritorial in nature, as its impact extends beyond the United States and affects companies and citizens of third countries.

The authorities of the United States Government harass, threaten and impose penalties on companies with trade ties to Cuba in every corner of the world, regardless of their origin, assets or links to the United States. Moreover, the policy disregards the host country's relations with Cuba, its laws and the rules of international law.

Interference in Cuba's financial transactions with third countries is increasing, regardless of their relations with it, the currency they use or their current banking regulations.

The embargo against Cuba has been the longest and harshest imposed on any country. Although it was officially decreed in 1962, in practical terms it began to be implemented as soon as the Cuban revolution triumphed in 1959. By its nature, it constitutes an act of genocide under article 2 (c) of the Convention on the Prevention and Punishment of the Crime of Genocide (1948 Geneva Convention) and an act of economic war under the terms of the Declaration concerning the Laws of Naval War adopted by the London Naval Conference in 1909.

The accumulated direct economic damage caused to the Cuban people by the United States economic, commercial and financial embargo by December 2011, taking into account the depreciation of the dollar against the price of gold in the international market, amounted to $1.066 trillion. At current prices, the damage amounts to more than $108 billion, based on very conservative estimates.

The embargo leads to shortages and suffering for the population, hampers and delays Cuba's development, and seriously harms the country's economy. It continues to be an absurd, illegal and morally unsustainable unilateral policy that will not crush the firm resolve of the Cuban people to preserve its sovereignty, independence and right to self-determination.

The economic, commercial and financial embargo imposed by the United States against Cuba is opposed by growing sectors of United States society and the international community, whose fervent and increasing calls to end it and normalize bilateral relations continue to be ignored by that country's successive administrations. The United States must lift the embargo unconditionally and without delay.

The Government of the Republic of Cuba is also concerned at the increasing use of unilateral economic measures, by select countries or groups of countries, as a means of exerting political and economic pressure on developing nations. Reiterating its strongest condemnation of such measures, Cuba calls on the international community to take immediate action to eliminate their use, in accordance with the principles of international law and the letter and spirit of the Charter of the United Nations.

Egypt

[Original: English]
[30 April 2013]

Egypt does not agree with the imposition of unilateral economic measures as instruments of political and economic coercion against developing countries.

Egypt has not been affected by economic sanctions during the period 2010-2012.

Iran (Islamic Republic of)

[Original: English]
[6 May 2013]

Iran does not agree with the imposition of unilateral economic measures as instruments of political and economic coercion against developing countries. It runs counter to the principles of international law governing the relations among States and contradicts the letter and spirit of the Charter of the United Nations.

Iran has been affected by economic sanctions during the period 2010-2012. For years, Iran has been under United States and some other countries' unilateral sanctions, which has seriously jeopardized the legitimate rights and interests of the people and still continues.

It is inhuman and against the sovereign right of all countries to expand trade and economic relations with others, and is damaging to all aspects of the rights of people, including freedom of trade, finance, movement and navigation, and is a distorting factor for the social and environmental development of the country and the region as a whole, including health, education, etc.

It is a brutal measure contrary to the principles of international law, sovereign equality of States, non-interference in the internal affairs of States and peaceful coexistence among States.

Jordan

[Original: English]
[6 May 2013]

Jordan does not agree with the imposition of unilateral economic measures as instruments of political and economic coercion against developing countries.

Jordan has not been affected by economic sanctions during the period 2010-2012.

Lao People's Democratic Republic

[Original: English]
[13 May 2013]

Lao does not agree with the imposition of unilateral economic measures as instruments of political and economic coercion against developing countries. The imposition of unilateral economic measures has violated the principles of international law as set forth in the Charter of the United Nations and the principles of the multilateral trading system, in particular the principle of sovereign equality of States and the freedom of international trade and navigation. It also has hindered the progress of the country's development and prosperity as well as affecting socioeconomic development, and causes untold suffering to the people in the country.

Lao has not been affected by economic sanctions during the period 2010-2012.

Lao calls upon the international community to make every effort to eliminate and reject the imposition of all unilateral measures as instruments of political and economic coercion against developing countries.

Montenegro

[Original: English]
[25 April 2013]

Montenegro does not agree with the imposition of unilateral economic measures as instruments of political and economic coercion against developing countries. Montenegro strongly supports the adoption of effective measures for the elimination of the use of unilateral coercive economic measures against developing countries that are not authorized by relevant organs of the United Nations or are inconsistent

with the principles of international law as set forth in the Charter of the United Nations and that contravene the basic principles of the multilateral trading system.

Montenegro has not been affected by economic sanctions during the period 2010-2012.

Nicaragua

[Original: Spanish]
[3 May 2013]

Nicaragua does not agree with the imposition of unilateral economic measures as instruments of political and economic coercion against developing countries.

Nicaragua has not been affected by economic sanctions during the period 2010-2012.

The Government of Reconciliation and National Unity of the Republic of Nicaragua, in accordance with the purposes and principles enshrined in the Charter of the United Nations and the principles of international law, reaffirms its strong and unwavering respect for the sovereign equality of States, the principle of non-intervention and non-interference in internal affairs, and the freedom of international trade and navigation, as set forth in various international instruments, as well as for other principles that are essential to peaceful coexistence internationally. Nicaragua also reiterates the right of every State to choose its own social, political and economic system free from outside interference. Accordingly, we condemn and reject the implementation of these unilateral extraterritorial coercive measures. As members of the United Nations, we should have the political will to immediately and completely change and restructure the international financial and economic architecture. The central role of the United Nations should be to redefine economic and financial policies and to establish a new economic order, without unilateral sanctions. Nicaragua, as a member of the of Non-Aligned Movement and the Group of 77 and China, rejects the imposition of laws and other forms of coercive economic measures, including unilateral sanctions, against developing countries, as they not only violate the Charter of the United Nations, undermining international law and the rules of the World Trade Organization, but also severely threaten the freedom of trade and investment.

Philippines

[Original: English]
[30 April 2013]

The Philippines does not agree with the imposition of unilateral economic measures as instruments of political and economic coercion against developing countries.

The Philippines has not been affected by economic sanctions during the period 2010-2012.

Qatar

[Original: Arabic]
[11 June 2013]

Qatar does not agree with the imposition of unilateral economic measures as instruments of political and economic coercion against developing countries.

The State of Qatar did not impose or implement any decision or take any measures that are not permitted by concerned agencies of the United Nations, or that might contradict the principles of international law in accordance with the Charter of the United Nations, or that might be in contradiction with the multilateral trading system, against any developing country, and it did not take any unilateral decisions in this regard.

Senegal

[Original: French]
[5 June 2013]

Senegal does not agree with the imposition of unilateral economic measures as instruments of political and economic coercion against developing countries.

Senegal has not been affected by economic sanctions during the period 2010-2012.

Such measures are unjust and constitute an obstacle to the development of poor countries. Moreover, the main victims are innocent members of the public. Coercive economic measures limit global trade development and hamper global economic expansion. These practices should be discarded in favour of greater United Nations involvement in the mediation of relationships between sovereign States.

Sri Lanka

[Original: English]
[29 April 2013]

Sri Lanka does not agree with the imposition of unilateral economic measures as instruments of political and economic coercion against developing countries.

Sri Lanka has not been affected by economic sanctions during the period 2010-2012.

Sudan

[Original: English]
[16 May 2013]

The Sudan does not agree with the imposition of unilateral economic measures as instruments of political and economic coercion against developing countries. If these measures are used to make the targeted governing system comply with the

requirements of the imposing countries it is of very limited and minor success: the severe impact is on the livelihood of the country's population.

The Sudan has been affected by economic sanctions during the period 2010-2012.

Sanctions on the Sudan since 1997 affect, inter alia, export and import of goods to and from the Sudan, technology, services and dealing in the interests of the two countries (Sudan and the United States); also transactions relating to oil and petrochemicals. The renewal of unilateral sanctions in November 2012 had a negative impact, especially after the southern secession, leading to increased Sudanese suffering, which affects the possible treatment of economic problems and efforts to bring peace in Darfur and the regions of Blue Nile and the Nuba Mountains.

The impact of unilateral economic measures includes higher prices overall, which affect the life of ordinary people; increasing poverty and unemployment; a decrease in machinery and exports needed for development. Most economic and trade sanctions are imposed by advanced developed countries which possess advanced technology in the manufacturing sector. This results in hardships in developing countries, for example: (1) importing spare parts with the required standards and quality becomes difficult because they cannot be imported directly from the countries of origin; (2) the higher cost of importing spare parts and heavy machinery through a third party leads to increased production costs and reduced market access for the commodities and services produced; (3) difficulties in periodic maintenance lead to continuous deterioration in infrastructure and production capacities; (4) in addition to the tangible exchange of goods, the prohibitions on vital services, such as insurance, hinder the trade and development of the targeted countries; (5) sanctions hinder the flow of capital, foreign investment and official development assistance; (6) sanctions hinder the development and welfare of the targeted countries; (7) sanctions delay the process of accession to the World Trade Organization and also Sudan debt relief.

These sanctions limit the Sudan's access to development aid and international funds to promote local Sudanese industry and enable it to export to the global market. The economic sanctions also affected Sudanese citizens and the infrastructure, such as railroads, resulting in the spread of poverty and low standard of living, and lack of health care, declining levels of education, unemployment and lack of investment. All the above factors led to the collapse of moral values in Sudanese society. Unless these unilateral sanctions are lifted, there will be no development, no investment, no infrastructure. The impact of these sanctions are devastating in the targeted countries. The United Nations should seek means to prevent the use of unilateral sanctions and should eliminate the scope of these sanctions. The United Nations should adopt policies or options to avoid the impact of the sanctions on socioeconomic development.

Swaziland

[Original: English]
[2 May 2013]

The Kingdom of Swaziland views the continued imposition of economic, commercial and financial measures, including the embargo against Cuba since 1960,

further enforced by the Helms-Burton Act of 1996, as a violation of the principle of the sovereign equality of States, non-intervention and non-interference in each other's domestic affairs. In addition to being unilateral and contrary to the spirit of the Charter of the United Nations, and to the principle of good-neighbourliness, the embargo against Cuba has caused huge material losses and economic damage to the people of Cuba. The blockade has not only caused incalculable suffering to the people of Cuba but also undermines the legitimate economic interests of third countries.

In line with all previous United Nations resolutions on this item, among others, the Kingdom of Swaziland believes that constructive dialogue is necessary to foster mutual trust and understanding as well as harmony and peaceful coexistence among all nations of the world.

Syrian Arab Republic

[Original: Arabic]
[29 April 2013]

As a matter of principle, the Syrian Arab Republic categorically rejects the imposition by States and regional bodies of all unilateral economic, trade or financial measures outside the framework of legitimacy against developing countries. It also rejects all justifications for the imposition of those measures. In that regard, the views of the Syrian Arab Republic are consistent with full respect for the provisions of international law and the principles and purposes of the Charter of the United Nations, particularly the need to respect the sovereignty and independence of States, refrain from intervening in their internal affairs, develop friendly relations between them and create conditions of stability and well-being in accordance with Article 55 of the Charter. The views of the Syrian Arab Republic are, moreover, based on the clear recommendations contained in numerous resolutions adopted by the Organization and its principal organs, particularly the General Assembly. Most recently, in resolution 66/186, the Assembly prohibited any unilateral measures outside the international framework that are not authorized by the relevant organs of the United Nations, are inconsistent with the principles of international law as set forth in the Charter or contravene the principles of multilateral trade law, and that are imposed as a means of political and economic coercion against developing countries.

All world leaders have affirmed the need to abide by those recommendations in numerous key United Nations conference documents, especially those concerning development. The most recent of these were the outcome document of the United Nations Conference on Sustainable Development and the outcome document of the thirteenth session of the United Nations Conference on Trade and Development. Regrettably, in complete contradiction with the recommendations of the Organization, certain regional bodies and Governments, including those of certain Western and Arab States, have for political purposes imposed unilateral coercive measures of every sort against developing countries. Their aim is to politically and economically blackmail their targets and secure policy changes in their own interests. The measures include ending the provision of development assistance; cutting off economic ties; imposing economic, trade and financial blockades; prohibiting financial and banking transactions; and impeding investment flows to

and from developing countries. The States imposing those measures also intimidate and place various forms of pressure on third-country Governments in order to encourage them to follow their example. Other measures are imposed with a view to paralysing the economies of developing countries and undermining their ability to achieve sustainable development for their peoples.

The Syrian Government emphasizes that those coercive unilateral economic measures violate all human rights, including, in particular, the rights to development, health, life and education. Their negative impact is felt principally by the weakest members of society and especially by children, women and persons with disabilities. Their imposition violates the right of peoples to self-determination, including the freedom to determine their political status and pursue economic, social and cultural development in accordance with article 1 of the International Covenant on Economic, Social and Cultural Rights.

The Syrian Arab Republic has suffered extensive losses, especially since the beginning of its current crisis in 2011, owing to unilateral economic trade and financial measures that have been imposed outside the framework of internationa. legitimacy by numerous States and regional bodies, both on an individual basis and as groups. In particular, the participants of the so-called "Friends of Syria" conference adopted a set of unilateral measures which, among other things, they described as "smart" and "targeted". All those terms are merely euphemisms intended to downplay the impact of unilateral economic measures. Although their names may vary, the measures cause the same harm to Syrians' standard of living and violate their right to development. At successive sessions of the so-called "Friends of Syria" conference, participants have imposed a set of sanctions on the Syrian Government and on a number of Syrian companies and businessmen on the pretext that they have engaged in dealings with the Government. That step has hampered the Syrian Government in upholding its constitutional duties in connection with fostering development for the Syrian people. It has caused huge losses in the private sector, which plays a key role in the Syrian economy and, by providing job opportunities for hundreds of thousands of Syrians in workshops, facilities and companies, constitutes an important factor for the promotion of social development in the country. The result has been a significant deterioration in the Syrian economic landscape, particularly in key sectors such as agriculture, industry, commerce, tourism and services. There has been a huge negative impact on Syrian citizens' standard of living, the most important aspects of which include the following:

- The unilateral measures have led to a large increase in the cost of foreign currency exchange in Syria, thereby reducing the purchasing power of the Syrian pound, raising the rate of inflation and substantially increasing the price of goods on the domestic market, particularly basic commodities and raw materials.
- By imposing a financial embargo on Syrian banks, they have made it difficult to finance imports, hindering the procurement of basic commodities and raising their prices.
- They have led to a significant decline in the value of exports and imports. According to the International Trade Centre, exports have fallen from 11.4 billion in 2010 to 6.7 billion in 2011, largely because of decreasing oil production and exportation. As a result, gross domestic product has fallen and

the rate of economic development has flagged. Production and incomes have dropped, unemployment has grown and living standards have deteriorated. According to the International Trade Centre, the value of imports has fallen by 14.2 per cent because certain countries have completely stopped exporting their products to Syria or imposed high customs fees, and because of difficulties related to financing.

- They have raised the cost of all modes of transport, causing many carriers to stop working. The vital transport sector, which is of particular importance for trade, has therefore shrunk. Furthermore, certain Governments have put pressure on air transport companies to suspend their flights to Syria, and European and American companies have refused to sell or export spare parts for civilian aircraft to the country. This has created severe difficulties for the Syrian civilian air transport sector and placed the lives of passengers at risk.

- They have reduced the availability of financial resources, thereby damaging the private sector and forcing business owners to dismiss their workers, exacerbating unemployment and poverty.

- They have made it difficult for Syrians living abroad to transfer money to Syria.

- Particularly by increasing the cost of foreign currency exchange and impeding financial transfers, the measures imposed on the financial and banking sectors have made it extremely difficult for the Syrian authorities to provide medicines and medical supplies, including spare parts for medical equipment in hospitals and health centres. They have made it difficult to meet children's nutritional needs and to import primary materials used in the domestic production of medicines.

- Western States have targeted the Syrian oil sector, notably by putting an end to oil imports and prohibiting international companies from importing oil. The result has been a severe shortage in the fuels used for electricity generation, heating and industry, with considerable repercussions for the lives of Syrians, especially during the winter cold. The inability to preserve medicines and vaccines has caused considerable hardship, particularly for women and children. Moreover, European and other banks have stopped financing electric power stations in Syria, even though they are civilian utilities aimed primarily at serving Syrian citizens.

Our overview of the direct and indirect losses to the Syrian economy shows clearly that the coercive unilateral economic measures imposed by certain Governments have had a disastrous humanitarian, economic and social impact on Syrian citizens and on their right to obtain basic needs, including food, water, health, education and electricity. The negative impact of the unilateral measures imposed by certain States is a fitting complement to the actions of foreign-backed armed terrorist groups, which have systematically destroyed Syria's economic infrastructure, in particular by deliberately looting and sabotaging Syria's industrial zones and tourist facilities, especially in Aleppo, the economic capital of Syria.

The Syrian Arab Republic stresses the importance of immediately ending policies that impose unilateral economic, financial and trade measures as a means of political and economic coercion against developing countries. On the one hand, past and current experience has clearly proved that such measures harm the peoples of

the affected developing countries as they pursue sustainable development, decent living standards and an end to poverty, fear, unemployment and disease. On the other hand, those measures have not, and will not, achieve any of their objectives, namely to change the policies of the affected developing countries; the latter will continue to uphold the principles of independence, justice, sovereignty and non-interference in their internal affairs. The Government of Syria believes that the imposition of such inhumane measures by certain Governments fosters enmity between peoples. It gives the impression that those Governments are practising shameful double standards: while talking extensively about human rights, justice and democracy, they deprive other States of those very rights. As a result, States that impose such measures lose what remains of their credibility in the eyes of their peoples and of the world. In the light of the above, the Syrian Arab Republic requests that an independent United Nations body should be established to evaluate the negative effects of coercive unilateral measures and the extent to which they contravene international law, the Charter of the United Nations and human rights principles. Syria further requests that States that impose those measures on developing countries must be held accountable and must provide compensation to mitigate the damage to the Governments and peoples of the countries they have targeted.

Turkey

[Original: English]
[16 May 2013]

Turkey does not agree with the imposition of unilateral economic measures as instruments of political and economic coercion against developing countries.

Turkey has not been affected by economic sanctions during the period 2010-2012.

Unilateral sanctions, especially those with extraterritorial effects, impact not only the targeted countries, but third countries as well, having an adverse effect on international trade and economic cooperation on a global scale. United States and European Union sanctions imposed on Iran, especially those targeting the energy and banking sectors, constitute current examples of sanctions having far-reaching effects, profoundly affecting third countries in the process.

Unilateral sanctions imposed on Iran target, among others, the energy and banking sectors, which unequivocally hurt the economies of many third countries and disrupt legitimate trade.

We believe that sanctions applied in accordance with the Charter of the United Nations are an important tool for the maintenance of international peace and security. To be credible and effective, they must be targeted carefully and take into account applicable rights of due process for the individuals concerned and the need to minimize their adverse consequences for third parties. In this sense, "smart sanctions", which target the specific regimes in countries without harming the civilian populations, should be at the heart of the United Nations sanctions system.

Annex II

Replies received from United Nations bodies and other international organizations

Economic and Social Commission for Western Asia

[Original: English]
[3 May 2013]

On unilateral economic measures as a means of political and economic coercion against developing countries, the Economic and Social Commission for Western Asia (ESCWA) reported the following:

Such punitive measures negatively affect populations of a developing country but in many cases miss the specific targets of such a unilateral imposition. This "collective punishment" places significant burdens on citizens and disproportionately affects vulnerable groups, including children. Such measures lead to falling incomes, which directly affect the Millennium Development Goals and bring about a deterioration in pro-Millennium Development Goal budgets. It is also contrary to General Assembly resolution 64/189.

ESCWA has observed countries affected by economic sanctions during the period 2010-2012 as follows:

Target countries	*Nature of sanction*	*Country imposing sanction*	*Date sanction was imposed*	*Sanction still binding?*
Palestine	Mobility restrictions and economic blockade (Gaza Strip)	Israel	Mobility restrictions 2000 Economic blockade: June 2007 (Gaza Strip)	Yes
Sudan	Economic, trade and financial sanctions	United States of America	1997	Yes
Syrian Arab Republic	Economic, sanctions (general export ban for non-food or medicine items)	United States of America	2002	Yes
		European Union	2011	

ESCWA reports the impact of the above-mentioned sanctions on the country, including on its trade and development as follows:

Sudan

A total trade embargo imposed by the United States, the world's largest economy, has seriously hampered the trade and development trajectory of the Sudanese economy. In addition the Sudan suffered an economic downturn after the secession of South Sudan in July 2012 and the consequent loss of the major petroleum fields and their income. This has led to inflation and the deterioration of the Sudanese currency in a significant and rapid manner. The Sudanese Government

has formulated an economic recovery strategy, the implementation of which is hampered in part by United States sanctions.

The lack of economic and technological contact with the United States leaves the Sudanese industries at a disadvantage. This policy has led to the suffering of innocent civilians in the Sudan under a Government targeted by American trade sanctions.

The banning of exports and imports between the Sudan and the United States has also hurt local industries and consumers. Industries are unable to access the largest economy in the world while also missing out on technological goods and services from the United States, leading to inefficiencies in the industrial sector. Consumers are unable to purchase American goods and services which may be of better quality than the ones available to ordinary Sudanese. The sanctions also curtail employment growth; given the high birth rate, youth bulge and high youth unemployment rates in the Sudan, these sanctions tend to disproportionately affect the youth of the country.

Overall, sweeping trade and economic restrictions with the world's largest economy significantly hamper the trade and development trajectory of the Sudanese economy. Access restrictions to the American market hamper exports and decrease potential income, with negative repercussions for economic development in the country, and delay the potential achievement of Millennium Development Goal targets.

Syrian Arab Republic

The banning in 2002 of exports of United States products to the Syrian Arab Republic other than food and medicine placed a trade and development burden on the country, as a range of goods and services for development purposes became either unavailable or are restricted at a higher price than those from non-American sources. The Syrian Arab Republic, particularly the Government and the business sector, have been adversely affected by the technological sanctions (infrastructure, hardware, software and user licences), which led to weak implementation of national strategies for using information and communications technologies for development.

Furthermore, the Syrian Arab Republic has been facing an escalating crisis, turned all-out conflict, since March 2011. The effects of this crisis/conflict have been detrimental to the Syrian people and economy. The European Union imposed sanctions on the Syrian Government while the United States tightened the sanctions it had already imposed. The ban on Syrian oil exports imposed by the European Union has been the most significant of the new sanctions.

However, given the scale and ferocity of the violence in the Syrian Arab Republic, it is difficult to assess the isolated impact of the sanctions.

Palestine

The economic and movement restrictions have heavily affected Palestine across every facet of society. Economically, the Palestinian economy has become heavily dependent on both foreign aid and the Israeli economy. Heavy restrictions on imports have led to shortages of many basic commodities required for maintaining the Palestinians' standard of living. Export restrictions have also

curtailed trade with the outside world and ensure Israeli hegemony over the Palestinian economy. Unemployment remains worryingly high, and has forced the Palestinian authorities to engage in hiring staff at the cost of an inefficient allocation of labour just to prevent skyrocketing marginalization of the labour force. The realization of the Millennium Development Goals remains difficult in the face of budgetary, institutional and infrastructural constraints, which can be directly attributed to the imposition of such restrictions.

In spite of changes to its provisions, the Israeli blockade on the Gaza Strip has had significant ramifications for trade and development. Both import and export restrictions severely curtail trade not just with the outside world but also with the West Bank and East Jerusalem. Strict controls on "dual use" imports have also led to a lack of infrastructure, which was already in poor condition to begin with. This leads to poor water and electricity supply, which significantly impedes economic, and hence employment-generating, activities. The impact on the citizenry is both negative and widespread, leading to adverse educational, health (including psychological health), and income outcomes.

In addition, ESCWA comments that:

- Previous and ongoing experiences of unilateral sanctions in the Arab region have shown that they create more tension and frustration, with an overall adverse effect on society and population.
- Unilateral sanctions are perceived across the region as a tool of Western dominance, especially since most current and previous sanctions have been imposed by Western countries, namely the United States and European countries. Thus, whereas sanctions are usually meant to weaken a government and/or pressure it to take certain steps or change policies, the result tends to be increased anti-Western sentiment and more local support for the government/regime in question and hence more legitimacy for it and its policies.
- The most severe case of unilateral sanctions is the blockade imposed by Israel on the Gaza Strip. This blockade not only violates the principles of international law that are relevant to international trade, but it also violates other aspects of the Fourth Geneva Convention, namely article 33, which prohibits collective punishment.

United Nations Conference on Trade and Development

[Original: English]
[7 May 2013]

On unilateral economic measures as a means of political and economic coercion against developing countries, the United Nations Conference on Trade and Development (UNCTAD) reported the following:

UNCTAD does not agree with the imposition of unilateral economic measures as instruments of political and economic coercion against developing countries, as declared at the thirteenth session of UNCTAD at Doha, in the Doha Mandate (TD/500/Add.1):

- 25. States are strongly urged to refrain from promulgating and applying any unilateral economic, financial or trade measures not in accordance with international law and the Charter of the United Nations that impede the full achievement of economic and social development, particularly in developing countries, and that affect commercial interests. These actions hinder market access, investments and freedom of transit and the well-being of the populations of affected countries. Meaningful trade liberalization will also require addressing non-tariff measures including, inter alia, unilateral measures, where they may act as unnecessary trade barriers.

- 31(m). [UNCTAD should] continue to assess the economic development prospects of the occupied Palestinian territory and examine obstacles to trade and development, and should strengthen its programme of assistance to the Palestinian people with adequate resources and effective operational activities, as part of the international community's commitment to building an independent Palestinian State, and with a view to alleviating the adverse economic and social conditions imposed on the Palestinian people, in line with the Accra Accord.

UNCTAD reports that the Occupied Palestinian Territory has been affected by economic sanctions imposed by Israel. Economic measures included construction of the separation barrier (commenced in 2002); closure policy imposed in the West Bank (first imposed in mid-1990 and intensified since September 2000); economic blockade on the Gaza Strip since mid-2007; restrictions on the free mobility of Palestinian people and goods to, from and within the Occupied Palestinian Territory since 2007; and restrictions on importing inputs and factors of production for the agriculture and manufacturing sectors. Moreover, Israeli control of Palestinian trade routes and trade data results in significant public revenue loss to the Palestinian Authority.

UNCTAD reports significant impact of the above-mentioned sanctions on the Occupied Palestinian Territory. Since 2000 Israel has intensified its closure policy, which restricts the movement of Palestinian people and goods within, to and from the territory. These restrictions were made worse by the ongoing construction of the 709-km separation barrier. Palestinian economic development has been rendered impossible by the Israeli policies of internal and external restrictions on the movement of people and goods, the decimation of the Palestinian productive base, land and natural resources due to the separation barrier and to the continuing expansion of Israeli settlements in the Occupied Palestinian Territory.

These measures result in deepening and widening the already high poverty rates, have led to extremely high unemployment rates and systematic de-development, and increase the economic isolation and fragmentation of the Occupied Palestinian Territory. These restrictions and the atrophy of the productive base not only undermine the viability of existing businesses and push them towards bankruptcy, but they also discourage potential domestic as well as foreign investment. In such a grim economic environment the private sector has been paralysed, while government investment in infrastructure remains constrained by both the occupation and the resulting fiscal crisis.

Restrictions on Palestinians' access to natural and economic resources as well as restrictions on importing factors of production and inputs to the Palestinian manufacturing and agriculture sectors have stunted Palestinian development through

multiple channels. As a result of these restrictions half of Gaza's arable land is rendered inaccessible to Palestinian farmers, while the recurrent Israeli military offensives have decimated the productive base and battered the remaining arable land. Another related constraint on Palestinian economic development is the inability of Palestinian producers to access scale economies, which leads to inefficiency and limits the range of goods produced for the purposes of export and domestic consumption. The barriers to the movement of goods and people within the Occupied Palestinian Territory have fragmented what is left of the economy into isolated, disconnected islands and given rise to substantial price differentials, limited factor mobility and limited exchange of goods and services.

The Palestinian Authority has continuously had to contend with the occupation-related fiscal instability, the volatility of the tax base, and the vulnerability of the level of economic activity to the Israeli closure policy and recurrent military confrontations. Another major source of fiscal instability is rooted in Israeli control over the tax and customs clearance revenue that it collects on behalf of the Palestinian Authority. Israel has often resorted to withholding tax and customs clearance revenue on account of unilateral considerations. Such unpredictability makes fiscal planning difficult, undermines the Palestinian Authority's ability to pay the private-sector agents who supply it with goods and services, and threatens its ability to pay the salaries of more than 150,000 public employees.

Moreover, the Palestinian Authority fiscal space is diminished by "indirect imports" from Israel. A significant portion of what is officially recorded as imports from Israel are actually goods produced in a third country and then re-exported to the Occupied Palestinian Territory as if they had been produced in Israel. Customs revenue from much of these "indirect imports" is collected by the Israeli authorities but not transferred to the Palestinian Authority, as they are not labelled as being destined for the Occupied Palestinian Territory. The fiscal loss to the Palestinian Authority mirrors a fiscal gain to Israel arising from its control over Palestinian trade routes and trade data. In addition to the fiscal cost of "indirect imports", the Palestinian economy pays a greater cost in terms of the additional gross domestic product and employment that could have been generated had these fiscal resources been available to stimulate the economy.[a]

[a] For details, see the UNCTAD reports on assistance to the Palestinian people for 2011 and 2012 (TD/B/58/4 and TD/B/59/2).

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Sixty-eighth year

International Residual Mechanism for Criminal Tribunals

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and the members of the Security Council the first annual report of the International Residual Mechanism for Criminal Tribunals, submitted by the President of the Mechanism in accordance with article 32 (1) of the statute of the Mechanism (see Security Council resolution 1966 (2010), annex 1) which states that:

> The President of the Mechanism shall submit an annual report of the Mechanism to the Security Council and to the General Assembly.

* A/68/150.

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Letter of transmittal

1 August 2013

I have the honour to submit the first annual report of the International Residual Mechanism for Criminal Tribunals, dated 1 August 2013, to the General Assembly and the Security Council, pursuant to article 32 (1) of the statute of the Mechanism.

(*Signed*) Theodor **Meron**
President

President of the General Assembly
United Nations
New York

President of the Security Council
United Nations
New York

First Annual Report of the International Residual Mechanism for Criminal Tribunals

Summary

The present annual report outlines the activities of the International Residual Mechanism for Criminal Tribunals from 1 July 2012 to 30 June 2013.

On 22 December 2010, the Security Council, by resolution 1966 (2010), established the Mechanism to continue the jurisdiction, rights and obligations and carry out the essential functions of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia. These functions include providing protection to witnesses, supervising the enforcement of sentences, and managing archives. The Mechanism is also mandated to conduct certain judicial activities.

On 1 July 2012, the Mechanism opened its first branch, located in Arusha, United Republic of Tanzania, and assumed responsibility for a number of essential functions of the International Criminal Tribunal for Rwanda. Over the course of the reporting period, the Mechanism also developed its legal and regulatory framework through the issuance of Practice Directions and other policies, recruited a small number of staff members in keeping with its specified functions, and engaged with Member States on a range of issues.

The President of the Mechanism supervised many issues relating to the establishment and management of the Mechanism, coordinated the work of the Chambers, and decided applications for early release and a request for review of an administrative decision. The Mechanism's Appeals Chamber, the duty judge in Arusha, and the President in his role as pre-appeal judge in the Mechanism's first appeal from judgement also rendered a number of orders and decisions.

The Office of the Prosecutor focused on the activities in its remit, including the tracking of the remaining fugitives indicted by the International Criminal Tribunal for Rwanda, the rendering of assistance to national authorities, and the prosecution of the Mechanism's first appeal.

The Registry was responsible for providing and coordinating a wide range of administrative and judicial support to the Mechanism. In addition, among other things, it ensured the continued provision of protection and support services to witnesses, worked on various aspects of the enforcement of sentences, and undertook activities related to archives management.

During the reporting period, all organs of the Mechanism made preparations for the launch of its second branch, located in The Hague, on 1 July 2013.

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I. Introduction

1. The first annual report of the International Residual Mechanism for Criminal Tribunals outlines the establishment and the activities of the Mechanism for the period from 1 July 2012 to 30 June 2013.

2. On 1 July 2012, the Mechanism opened its branch in Arusha, United Republic of Tanzania, and assumed certain specified responsibilities and functions from the International Criminal Tribunal for Rwanda. During the reporting period, and pursuant to its mandate, the Mechanism has conducted a number of judicial activities and performed functions ranging from the protection of witnesses to responding to requests for assistance from national jurisdictions. The Mechanism has also engaged in extensive preparation for the launch on 1 July 2013 of its branch in The Hague, at which point the Mechanism assumes the corresponding set of responsibilities and functions from the International Tribunal for the Former Yugoslavia. Information about the launch and activities of the Hague branch will be included in the next annual report of the Mechanism.

II. Establishment and activities of the Mechanism

A. Mandate

3. On 22 December 2010, the Security Council, by resolution 1966 (2010), established the Mechanism to carry out a number of essential functions of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia. According to the resolution, the Mechanism continues the jurisdiction, rights and obligations, and essential functions of the two Tribunals.

4. In creating the Mechanism, the Security Council reaffirmed its determination to combat impunity for those responsible for serious violations of international humanitarian law, and underlined the necessity that all persons indicted by the two Tribunals be brought to justice. Accordingly, the Mechanism's mandate includes the trial of fugitives who are among the most senior leaders suspected of being the most responsible for crimes. Since the adoption of the resolution, all fugitives from the International Tribunal for the Former Yugoslavia have been apprehended and transferred to the Tribunal for trial. Among persons indicted by the International Criminal Tribunal for Rwanda, nine individuals are still at large. Three of the nine are expected to be tried by the Mechanism; the cases of the remaining six have been referred to Rwanda for trial.

5. The Mechanism has also been mandated to conduct a number of other judicial activities, consistent with the provisions of its statute and the dates specified in the transitional arrangements. These activities include retrials of cases completed by the two Tribunals, appeals of their judgements and sentences, reviews of their proceedings, and contempt of court and false testimony cases.

6. In addition, the Mechanism has been tasked with assuming the following functions from the two Tribunals, in accordance with its statute and the transitional arrangements: protection of victims and witnesses who have testified in Tribunal or Mechanism cases; management of the archives of the Tribunals and the Mechanism; supervision of the enforcement of Tribunal sentences, including decisions on pardon

or commutation of sentences; responding to requests for assistance from national authorities in relation to the investigation or prosecution of those responsible for serious violations of international humanitarian law in the countries of the former Yugoslavia and Rwanda; and monitoring cases referred to national courts by the two Tribunals and the Mechanism, with the ability to revoke cases where the conditions of referral are no longer being met and it is in the interests of justice to do so.

7. In establishing the Mechanism, the Security Council emphasized that it should be a small, temporary and efficient structure whose functions and size would diminish over time. The Mechanism is mandated to operate for an initial period of four years, and subsequently for periods of two years following reviews of its progress, unless the Council decides otherwise.

B. Organization and principals

8. The statute of the Mechanism provides for two branches: one branch for the International Criminal Tribunal for Rwanda, located in Arusha, United Republic of Tanzania, and one branch for the International Tribunal for the Former Yugoslavia, located in The Hague. The Arusha branch was mandated to commence activities on 1 July 2012, and the Hague branch was mandated to commence activities one year later, on 1 July 2013.

9. The Mechanism consists of three organs, namely, the Chambers, comprising a Trial Chamber for each branch of the Mechanism and an Appeals Chamber common to the two branches of the Mechanism; the Prosecutor, common to the two branches of the Mechanism; and the Registry, common to the two branches of the Mechanism, which provides administrative services for the Mechanism, including the Chambers and the Prosecutor.

10. Each organ is headed by a full-time or permanent principal, common to the two branches.

11. The President of the Mechanism is Judge Theodor Meron. President Meron was elected as a Mechanism judge by the General Assembly and subsequently appointed as the President. The President serves as the head of the Mechanism, and is responsible for, among other things, presiding over plenaries, coordinating the work of the Chambers, and supervising the activities of the Registry. President Meron is the Mechanism's only full-time judge.

12. The Prosecutor for the Mechanism is Hassan Bubacar Jallow, who was appointed in 2012 to a four-year term. The Prosecutor is responsible for the investigation and prosecution of persons indicted by the Tribunals as well as individuals who have knowingly and wilfully interfered in the administration of justice or given false testimony before the Mechanism, the International Criminal Tribunal for Rwanda, or the International Tribunal for the Former Yugoslavia.

13. The Registrar for the Mechanism is John Hocking, who was appointed in 2012 to a four-year term. The Registrar is responsible for the administration and servicing of the two branches of the Mechanism.

14. In an arrangement that promotes efficiency and coordination, and consistent with the transitional arrangements, the President, the Prosecutor and the Registrar are all currently serving in two positions. President Meron is also President of the

International Tribunal for the Former Yugoslavia, Prosecutor Jallow is the serving Prosecutor of the International Criminal Tribunal for Rwanda, and Registrar Hocking is concurrently the Registrar for the International Tribunal for the Former Yugoslavia.

15. The statute of the Mechanism provides for a roster of 25 independent judges. These judges were elected by the General Assembly on 20 December 2011 from a list submitted by the Security Council and following nominations from States Members of the United Nations. In selecting the judges, particular account was taken of candidates' experience as judges of the International Criminal Tribunal for Rwanda or the International Tribunal for the Former Yugoslavia, in order to promote efficiency. As at 18 May 2012, all 25 judges have been sworn in and are capable of assuming Mechanism duties as and when called to do so.

16. Pursuant to the statute, the judges remain on a roster until called by the President to exercise their functions. Judges who have been called to exercise their functions are to be present in Arusha or The Hague only as required; insofar as possible, the judges will carry out their functions remotely. The judges are not remunerated for being on the roster, but only for the days on which they are called to perform judicial duties. Mechanism judges who are concurrently judges of the Tribunals, and thus already receive judicial salaries, are not compensated for their Mechanism work.

17. The roster of judges is composed as follows: Judges Carmel Agius (Malta), Aydin Sefa Akay (Turkey), Jean-Claude Antonetti (France), Florence Arrey (Cameroon), Solomy Balungi Bossa (Uganda), Ivo Nelson de Caires Batista Rosa (Portugal), José Ricardo de Prada Solaesa (Spain), Ben Emmerson (United Kingdom of Great Britain and Northern Ireland), Christoph Flügge (Germany), Burton Hall (Bahamas), Vagn Prüsse Joensen (Denmark), Gberdao Gustave Kam (Burkina Faso), Liu Daqun (China), Susana Gatti Santana (Uruguay), Joseph E. Chiondo Masanche (United Republic of Tanzania), Theodor Meron (United States of America), Bakone Justice Moloto (South Africa), Lee G. Muthoga (Kenya), Aminatta Lois Runeni N'gum (Gambia), Prisca Matimba Nyambe (Zambia), Alphons Orie (Netherlands), Seon Ki Park (Republic of Korea), Mparany Mamy Richard Rajohnson (Madagascar), Patrick Lipton Robinson (Jamaica) and William Hussein Sekule (United Republic of Tanzania).

C. Establishment

18. As mandated, the Mechanism commenced operations at its Arusha branch on 1 July 2012, assuming certain functions inherited from the International Criminal Tribunal for Rwanda.

1. Legal and regulatory framework

19. The Mechanism has developed a structure to govern its activities, mindful of the need to develop rules, procedures and policies that harmonize and build upon the best practices of the two Tribunals.

20. In accordance with article 13 of the statute, on 8 June 2012, the Mechanism judges adopted the Rules of Procedure and Evidence. The Rules were developed by the International Criminal Tribunal for Rwanda and the International Tribunal for

the Former Yugoslavia in conjunction with the Office of Legal Affairs and incorporated comments from the judges, Offices of the Prosecutors, Registries, and Associations of Defence Counsel of both Tribunals, as well as from members of the Security Council.

21. In addition, the Mechanism has adopted key Practice Directions, directives and policies on topics including the filing of motions and briefs before the Mechanism; the assignment and remuneration of defence counsel; the provision of protection and support services to witnesses; the procedures for determining applications for pardon and early release; and the procedure for designating States in which a convicted person will serve his or her sentence. The Mechanism has also adopted standards related to archives and records.

2. Administration, staffing and facilities

22. During the reporting period, administrative services — such as human resources, finance, budget, procurement, logistics, security and information technology services — have been provided to the Mechanism by the International Criminal Tribunal for Rwanda or the International Tribunal for the Former Yugoslavia, under the coordination of the Registrar of the Mechanism.

23. In October 2012, in preparation for the decreasing capabilities of the two Tribunals to continue to support the Mechanism because of their progressive downsizing, the Tribunals and the Mechanism reached consensus on basic requirements for a single, small, self-standing administration for the Mechanism, which will be divided between and will service the two branches. The Mechanism Registry has developed a road map and a list of actions for a step-by-step implementation of this self-standing administration.

24. Pursuant to Security Council resolution 1966 (2010), the Mechanism is to have a small number of staff commensurate with its specified functions. The prompt, fair and transparent recruitment of this small staffing component continues to be an administrative priority. Under the coordination of the Registrar, recruitment has, to the extent possible, been conducted by mixed Mechanism and Tribunal interview panels and central review bodies, with appropriate geographical and gender balance representation. The human resources staff of both the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia have shared the technical burden of this exercise.

25. By the end of the reporting period, some 86 per cent of Mechanism positions available from 1 July 2012 have either been filled or are under recruitment. Staff who have joined the Mechanism include nationals of the following Member States: Albania, Australia, Belgium, Burundi, Cameroon, Canada, China, Colombia, Democratic Republic of the Congo, France, India, Italy, Kenya, Mali, Nepal, Netherlands, New Zealand, Rwanda, Senegal, Serbia, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Uganda, United Kingdom, United Republic of Tanzania, United States of America and Zimbabwe. Approximately 85 per cent of the staff of the Mechanism have been recruited from the International Criminal Tribunal for Rwanda or the International Tribunal for the Former Yugoslavia.

26. The Mechanism has reached the gender parity goals set by the Secretary-General, with a 50 per cent gender rate in the Professional category, exceeding the

current 41 per cent average at the Professional level across the United Nations as a whole. A gender and sexual harassment focal point has also been appointed.

27. The Arusha branch is currently co-located with the International Criminal Tribunal for Rwanda, but is expected to move to its new premises in 2016. On 16 January 2013, the Secretary-General submitted his second report on the construction of the new premises (A/67/696). The General Assembly approved the construction of the facility as designed and authorized the level of funding requested by the Mechanism (resolution 67/244 B). The project continues to advance, and the procurement process of retaining an architectural firm is under way. Throughout the project, the Mechanism has worked closely with and benefited greatly from the technical advice of the Office of Central Support Services of the Secretariat. The Mechanism is grateful for the cooperation of the Government of the United Republic of Tanzania, which has offered land and connection to facilities, such as electricity, water and a drainage system, at no cost.

D. Coordination Council

28. Pursuant to Mechanism rule 25, the Mechanism Coordination Council is composed of the President, the Prosecutor and the Registrar, and meets on an ad hoc basis to coordinate the activities of the three organs of the Mechanism. The Council has met to discuss, inter alia, issues relating to the establishment of the Mechanism, the transfer of functions from the two Tribunals, budgetary matters, the regulatory framework, and other matters of common concern. The Coordination Council has also held a number of joint meetings with the Coordination Council of the International Criminal Tribunal for Rwanda, to discuss cross-cutting issues relating to the provision of services, budgetary matters, and the transition of functions to the Arusha branch of the Mechanism.

E. Rules Committee

29. The President has assigned two Mechanism judges to compose the Mechanism Rules Committee, Judge Vagn Joensen and Judge Carmel Agius, who are chairs of the Rules Committees of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, respectively. The Mechanism Rules Committee has received a number of proposals for amendments to the Rules.

F. Coordination with the Tribunals

30. During the reporting period, the Mechanism has coexisted with both the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, and has benefited greatly from its two predecessor institutions, receiving from them significant operational and administrative support. The staff of the three institutions have also worked closely and cooperated on a regular basis, sharing institutional knowledge, expertise and lessons learned.

III. Activity of the President and the Chambers

A. Principal activities of the President

31. The President, in his capacity as the head of the Mechanism, has been deeply involved in the many issues relating to the establishment and management of the Mechanism. He has developed and adopted Practice Directions, held regular meetings with the Registrar on operational and managerial matters, and represented the Mechanism in a wide variety of forums.

32. As mandated by the statute, the President has also submitted two six-monthly reports on the progress of the Mechanism to the Security Council, and he has twice briefed the Council on the work of the Mechanism, in December 2012 and June 2013.

33. The President made his first official visit to Rwanda in December 2012, where he met with Rwandan authorities and discussed issues relating to the work of the Mechanism. He has also provided briefings on the activities of the Mechanism to the diplomatic communities in the Netherlands, Rwanda and the United Republic of Tanzania.

34. In his judicial capacity, the President has issued two decisions on applications for early release, received from Paul Bisengimana and Omar Serushago. He has issued one decision on a request for the review of an administrative decision by the Registrar of the Mechanism. The President has also assigned a number of matters to a single judge and to the Appeals Chamber. In addition, the President has presided over the Appeals Chamber, and is serving as pre-appeal judge on the Mechanism's first appeal from judgement, in the case of *The Prosecutor v. Augustin Ngirabatware*.

B. Principal activities of the single judge/duty judge

35. On 2 July 2012, the President assigned Judge Vagn Joensen as duty judge at the Arusha branch. Judge Joensen is also the President of the International Criminal Tribunal for Rwanda and, as a result, does not require remuneration for his Mechanism duties.

36. During the reporting period, Judge Joensen, in his capacity as Mechanism duty judge or single judge, has dealt with a number of motions, including requests to amend indictments and to reissue arrest warrants on behalf of the Mechanism for three fugitives from the International Criminal Tribunal for Rwanda, Augustin Bizimana, Félicien Kabuga and Protais Mpiranya. He has also considered allegations of contempt arising out of the case of *The Prosecutor v. Augustin Ngirabatware*. In addition, Judge Joensen has issued six decisions on requests for variation of witnesses' protective measures for the use of Rwanda Tribunal materials in proceedings in national jurisdictions.

C. Principal activities of the Appeals Chamber

37. During the reporting period, the Appeals Chamber has been seized of one appeal from judgement, concerning the case of Augustin Ngirabatware. A trial

chamber of the International Criminal Tribunal for Rwanda convicted Mr. Ngirabatware, a former Minister of Planning in Rwanda, of genocide, direct and public incitement to commit genocide, and rape as a crime against humanity on 20 December 2012 and sentenced him to 35 years of imprisonment.[1] Mr. Ngirabatware filed his notice of appeal against the trial judgement on 9 April 2013 and the briefing is in progress.

38. In addition, the Appeals Chamber has been seized of one appeal challenging a decision of the International Criminal Tribunal for Rwanda to refer the case of Phénéas Munyarugarama to Rwanda for trial and several other requests and appeals. The Appeals Chamber has rendered one decision in the *Munyarugarama* matter, one interlocutory appeal decision, one decision related to a post-appeal request, and seven pre-appeal orders and decisions.

IV. Activity of the Office of the Prosecutor

A. Establishment and organization of the Office

39. The Arusha branch of the Office of the Prosecutor is fully functional and has, since the commencement of operations on 1 July 2012, been discharging its mandate with respect to its various activities. These include the tracking of fugitives, the rendering of assistance to national authorities, the monitoring of cases referred to national jurisdictions, the updating of fugitive files in anticipation of arrest, and the prosecution of an appeal and related litigation before the Mechanism Appeals Chamber.

40. Throughout the reporting period, the Office of the Prosecutor has benefited immensely from the support of the Office of the Prosecutor of the International Criminal Tribunal for Rwanda in ensuring a smooth transition of functions and activities. Similarly, the Prosecutor has received the cooperation of the principals of the International Tribunal for the Former Yugoslavia and the Mechanism in planning for the commencement of the Hague branch of the Office of the Prosecutor on 1 July 2013 and ensuring a smooth transition of functions and responsibilities.

1. Staffing

41. The 14 core staff of the Arusha branch of the Office of the Prosecutor were recruited and assumed office during the reporting period. The staff comprise three Investigators, one Crime Analyst, and two Language Assistants, all based in Kigali, as well as one Senior Legal Officer, one Legal Officer, one Legal Adviser, one Administrative Officer, one Documents Control Assistant and two Administrative Assistants stationed in Arusha.

42. In addition, the Prosecutor has designated three other prosecution staff of the International Criminal Tribunal for Rwanda to formally double-hat for the Mechanism during their respective tenures at the Tribunal. These include a Special Assistant to the Prosecutor, an Investigator and a Documents Control Assistant. In order to ensure a smooth transition of functions and activities this staff complement has been supported, where necessary, by 52 Professional double-hatting staff

[1] The written judgement was issued on 21 February 2013.

members of the Tribunal designated by the Prosecutor under article 14 (3) of the statute, as an interim measure.

43. The Prosecutor has recruited an ad hoc appeals team to assume primary responsibility for handling the appeal from judgement and sentence in the case of *Ngirabatware*. The team consists of one Senior Appeals Counsel, one Appeals Counsel, one Assistant Appeals Counsel and one Associate Appeals Counsel.

44. The Prosecutor is also preparing a roster of potential staff for his office, to be recruited in the event of an arrest and subsequent trial of any or all of the three fugitives who are designated to be tried by the Mechanism.

2. Preparations for the Hague Office

45. During the reporting period, the Office of the Prosecutor also began preparation for the establishment of the Hague branch of the Office on 1 July 2013. The Prosecutor commenced the planning and preparatory work in consultation with senior management of the Office of the Prosecutor and the Registry of the International Tribunal for the Former Yugoslavia. This involved initiating the recruitment process for the prosecution core staff, agreeing on the double-hatting support expected by the Mechanism Office of the Prosecutor from the Tribunal Office of the Prosecutor in the current biennium, and determining the workload and resource requirements for the next biennium.

B. Fugitive tracking

46. On 1 July 2012, the responsibility for tracking the remaining fugitives from the International Criminal Tribunal for Rwanda devolved to the Mechanism. The arrest and prosecution of three fugitives, namely, Augustin Bizimana, Félicien Kabuga and Protais Mpiranya, is a priority of the Office of the Prosecutor. The Office of the Prosecutor has intensified efforts at tracking these fugitives, placing particular focus on the Great Lakes and southern African regions. The Office of the Prosecutor continues to receive the support of INTERPOL, the United States Department of State through its War Crimes Rewards Program, international organizations, and a number of Member States.

47. The Office of the Prosecutor is also required under article 28 (3) of the statute to render assistance, where appropriate, in the tracking of the remaining six fugitives from the International Criminal Tribunal for Rwanda, whose cases have been referred to Rwanda. The Mechanism website now features a page entitled "Searching for the fugitives", which includes contact information for the Office of the Prosecutor and a link to the webpage of the United States War Crimes Rewards Program.

C. Assistance to national jurisdictions

48. At the Arusha branch, the responsibility for servicing foreign requests for assistance was formally transferred to the Mechanism on 1 July 2012. During the reporting period, the Office of the Prosecutor has responded to 92 requests for assistance from 16 Member States and international organizations.

49. The Prosecutor will shortly issue a regulation governing requests for assistance to the Office of the Prosecutor, and will make guidelines available on the Mechanism website to assist national authorities seeking to access confidential material held by the Tribunals or the Mechanism, in accordance with the Mechanism's Practice Direction on the procedure for the variation of protective measures pursuant to rule 86 (H).

D. Preservation and management of the archives

50. On 2 July 2012, the Prosecutor handed over to the Mechanism Registrar an archive of 27 completed prosecution case files. Materials from the Office of the Prosecutor of the International Criminal Tribunal for Rwanda that are no longer in active use will be transferred to the Mechanism archives on an ongoing basis. The remainder of the archives of the Office of the Prosecutor of that Tribunal are expected to be transferred to the Mechanism upon completion of all the Tribunal appeals and related litigation. In the meantime, the Mechanism Office of the Prosecutor has full access to the active records of its counterpart at the International Criminal Tribunal for Rwanda.

E. Monitoring of cases transferred to national jurisdictions

51. On 1 July 2012 the Office of the Prosecutor assumed certain monitoring functions for cases transferred by the International Criminal Tribunal for Rwanda to national jurisdictions. The monitors appointed by the Prosecutor of the Tribunal to monitor the cases of *Bucyibaruta* and *Munyeshyaka* transferred to France in 2007 and the case of *Uwinkindi* transferred to Rwanda in 2012 have been reporting to the Mechanism Prosecutor.

52. In respect of the cases transferred to France, inquiries are now reported to have substantially progressed, and it is expected that the cases will be expeditiously concluded once trials commence. Similarly, the *Uwinkindi* case referred to Rwanda is before the Kigali High Court. Preliminary proceedings are in progress and, subject to the determination of pre-trial applications made by the accused, the trial proceedings are anticipated to be completed expeditiously.

53. Following the decision on 3 May 2013 of the Appeals Chamber of the International Criminal Tribunal for Rwanda upholding the referral of the case of *Munyagishari* to Rwanda for trial, the Prosecutor appointed a monitor to observe the proceedings in that case.

V. Activities of the Registry

54. The Registry is responsible for the provision of legal, judicial, policy, diplomatic and administrative support to all Mechanism operations.

55. The Registry is at the service of a wide range of individuals and entities, including judges and parties, Member States and international organizations, witnesses and convicted persons. As a result, the Registry provides assistance to national jurisdictions, offers protection and support services to witnesses, monitors various aspects of the enforcement of sentences, administers the Mechanism's legal

aid scheme, makes arrangements for the monitoring of cases referred to national jurisdictions for trial, explains the mandate of the Mechanism, and manages archives and records. In addition, the Registry coordinates or provides the entire spectrum of administrative services from human resources to security, procurement to finance and budget, information technology and general services to health services. The Registry also plays a significant role in the Mechanism's policymaking and its management.

56. The Registry has played a key role in the commencement of the Arusha branch and the preparations for the opening of the Hague branch. It has contributed to a smooth transition by ensuring that core functions are transferred to the Mechanism without gaps in the provision of services, producing governance documents, and engaging in targeted awareness-raising campaigns among interested groups and entities.

A. Support for judicial activities

57. To enable the Mechanism to conduct its judicial activities, the Registrar has issued a number of governance instruments relating to the assignment and remuneration of defence counsel as well as to judicial filings.

58. The Registry has also supported judicial activities by processing over 7,000 pages of judicial filings, assigning and remunerating defence teams, and providing translations of correspondence and judicial documents.

59. To ensure that the Mechanism is able to rapidly expand its staffing component in the event of sudden judicial activity, for instance following the capture of a fugitive, the Registry is coordinating the creation of rosters of qualified potential staff from both inside and outside the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia. This approach complies with the United Nations rules on staff selection. A number of ad hoc staff have already been recruited to assist with ongoing judicial activity.

B. Support for other mandated activities

1. Witness support and protection

60. Pursuant to its statute and the transitional arrangements, on 1 July 2012, the Mechanism became responsible for witness support and protection functions in relation to thousands of protected witnesses who have testified in cases completed by the International Criminal Tribunal for Rwanda.

61. The Arusha branch of the Witness Support and Protection unit continued to provide the same level of services previously offered by the Tribunal, while streamlining their provision and improving their efficiency. For instance, the Witness Support and Protection unit has conducted a survey among witnesses in Rwanda to ensure that such services meet the actual needs of witnesses. In addition, it has developed strategies that are currently being implemented to further strengthen the management and safekeeping of confidential witness information.

62. During the reporting period, the Witness Support and Protection unit has handled protection issues not only in Rwanda but also in the Great Lakes region,

from urban centres to refugee camps. It has continued to collaborate closely with the relevant authorities to ensure prompt and effective threat assessments, and to coordinate responses to witness security concerns, consistent with judicial protection orders.

2. Archives and records management

63. Under article 27 of its statute, the Mechanism is responsible for the preservation and management of, and access to, the archives of the two Tribunals. Pursuant to the statute, the archives of the International Criminal Tribunal for Rwanda are to be located in Arusha, and those of the International Tribunal for the Former Yugoslavia in The Hague.

64. The archives of the two Tribunals constitute an unparalleled collection of information regarding the conflicts in Rwanda and the former Yugoslavia. They consist of approximately 15,000 linear metres of physical materials, nearly three petabytes of data, and tens of thousands of hours of audiovisual recordings.

65. The Mechanism Archives and Records Section has offered guidance to the Tribunals in the preparation of their records for transfer to the custody of the Mechanism. The Section has assumed responsibility for the central records centre of the International Tribunal for the Former Yugoslavia. In Arusha, the physical custody of the records of the International Criminal Tribunal for Rwanda remains with the Tribunal, pending the completion of interim record centres.

66. The Mechanism Archives and Records Section has also engaged in the review and development of policies and guidelines on various aspects of record management, including the operations of record centres. In addition, it has begun investigating the technical requirements for a trusted digital repository for the preservation of the digital archives, in order to facilitate both their long-term preservation and access for current and future generations.

3. Enforcement of sentences

67. Pursuant to its statute, the Mechanism on 1 July 2012 assumed jurisdiction over the enforcement of sentences pronounced by the International Criminal Tribunal for Rwanda.

68. The Arusha branch of the Registry began to review enforcement of sentence agreements previously entered into by the International Criminal Tribunal for Rwanda (and which apply *mutatis mutandis* to the Mechanism) in order to ensure that they meet the needs of the Mechanism. The Registry has also begun exploring the possibility of entering into enforcement of sentence agreements with additional Member States. The Mechanism is grateful to those Member States that have expressed an interest in discussing the possibility of entering into an enforcement of sentence agreement.

69. In November 2012, the Mechanism engaged the services of an independent expert in prison management to assess the needs of the prisons in Benin and Mali that are enforcing sentences of the International Criminal Tribunal for Rwanda and to develop context-based recommendations. Many of those recommendations are currently being implemented.

70. The Mechanism has also regularly sought advice from the Department of Safety and Security and the designated official in Mali regarding the security situation in Mali, where over half of the sentences pronounced by the International Criminal Tribunal for Rwanda are currently being enforced.

4. Assistance to national jurisdictions

71. During the reporting period, the Registry at the Arusha branch facilitated requests for assistance from national authorities conducting investigations, prosecutions and trials of individuals charged in relation to the genocide in Rwanda. For example, the Registry obtained waivers of protective measures from witnesses, handled requests to question detainees and, upon judicial authorization, retrieved and transmitted confidential material requested by national authorities.

5. Monitoring of referred cases

72. In accordance with the mandate of the Mechanism to monitor cases referred to national courts by the International Criminal Tribunal for Rwanda, as set out in article 6 (5) of the statute, the Registry has approached international and regional organizations to assist with the monitoring of the cases referred by the Tribunal to Rwanda (including *Uwinkindi*) as well as the two cases referred to France (*Bucyibaruta* and *Munyeshyaka*). Pending the conclusion of the discussions and the establishment of monitoring arrangements, the Mechanism has interim monitoring arrangements in place, thanks to the assistance of the Tribunal. Public monitoring reports are posted on the Mechanism website.

6. External relations and information-sharing

73. During the reporting period, the Registry has engaged extensively with a number of Member States in order to carry out its mandate with respect to functions such as the enforcement of sentences, monitoring of referred cases, and protection of witnesses. In particular, the Mechanism has engaged with the Government of Rwanda on a number of issues, and the Registrar undertook missions to Kigali to facilitate this cooperation. A similar policy of engagement and cooperation with the States of the former Yugoslavia has been adopted in anticipation of the opening of the Hague branch.

74. The Registry launched the Mechanism's website (unmict.org) in tandem with the opening of its Arusha branch. In its first year, the website has received over 100,000 visitors. The website explains the Mechanism's mandate and provides information about its operations in four languages (English, French, Kinyarwanda and Bosnian/Croatian/Serbian), to ensure that this information is more accessible to individuals in Rwanda and the former Yugoslavia.

75. Over the past year, the Mechanism has also shared its experience and best practices during a capacity-building workshop with a delegation from the Kenya Witness Protection Agency. It also undertook a series of presentations and prepared detailed correspondence to promote awareness among Member States, international organizations, and other affected parties regarding the establishment and mandate of the Mechanism.

VI. Conclusion

76. Consistent with resolution 1966 (2010) and its statutory mandate, the Mechanism became operational on 1 July 2012 with the commencement of the Arusha branch. It was a complex process. Preparation by Mechanism officials, and the extensive cooperation and assistance received from the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia, and other entities, including the Office of Legal Affairs, helped to ensure a smooth start-up. The extensive preparations made for the launch of the Hague branch on 1 July 2013 were designed to ensure a similar result.

77. During its first year of existence, the Mechanism has been engaged in fulfilling all aspects of its mandate, from conducting judicial activities to performing essential functions such as ensuring the protection of witnesses. Moving into its second year of operation, the Mechanism will continue to build upon the work of its predecessors and carry out its mandated mission.